



St. Mary's Academy Trust

Suspension/Exclusion Policy

Date agreed by Performance and Standards Committee: October 2023

Date to be reviewed: October 2024

Introduction

At St. Mary's Academy Trust, we strongly believe in good discipline as we feel it is essential to ensure that all pupils can benefit from the educational and social opportunities that our schools within St. Mary's Academy Trust offer.

We believe pupil suspension is best defined as when a pupil is not allowed to attend school for a fixed term and an exclusion is permanent. Pupil suspension and exclusion is a sanction that will be used only as a last resort.

This action for a pupil is a serious step to take. Any individual school within St Mary's Academy Trust will only do so as a last resort following serious breaches of discipline or if the child's presence in school may affect the education of, or be harmful to, other pupils.

We treat all pupils fairly and all decisions to suspend or exclude a pupil will be lawful, reasonable and fair. Before a pupil is excluded or suspended, a wide range of strategies will be implemented in order to improve the behavior of the pupil.

This policy should be read in conjunction with the following legislation and policies:

- [Suspension and permanent exclusion guidance September 2023 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101422/suspension-and-permanent-exclusion-guidance-september-2023.pdf)
- Duties under the Equality Act 2010 and Children and Families Act 2014
- Duties under the Education and Inspections Act 2006
- Education Act 2011, Part 2 (4)
- St. Mary's Academy Trust Behaviour Policy
- Each school's individual Behaviour Policy
- St. Mary's Academy Trust Safeguarding and Child Protection Policy
- St. Mary's Academy Trust Special Educational Needs and Disabilities Policy

Aims

- To ensure compliance with all relevant legislation connected to this policy.
- To ensure that each school seeks to reduce the number of incidents leading to suspension or exclusion by:
 - ✓ having a clear and effective whole school behaviour policy including positive rewards and sanctions
 - ✓ by promoting a positive atmosphere of mutual respect and discipline within the school.
 - ✓ Where necessary, by making reasonable adjustments for vulnerable pupils.
- To have in place early intervention systems to deal with inappropriate behaviour.
- To only use exclusions as a last resort.
- To have in place systems to reinstate excluded pupils as soon as possible.
- To establish and continue to develop positive working relations with parents of pupils who have been excluded.
- To ensure that all relevant stakeholders understand the policies and procedures for fixed and permanent exclusions.

SMAT- Suspension/Exclusion Policy

Pupils can be suspended/excluded for a number of reasons, either for a fixed term/period or permanently, under the following circumstances:

- where there is sufficient evidence that the pupil has committed a serious one-off offence.
- where the pupil is accused of a serious criminal offence away from school and the headteacher, in the best interests of the pupil and others in school, feels that they should be educated off site for a period of time.
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- If a child has been suspended for a fixed period, schools should set and mark work for the first 5 school days. If the suspension is longer than 5 school days, the school must arrange suitable full-time education from the sixth school day, e.g., at a pupil referral unit.
- A permanent exclusion means that the pupil cannot return to the school unless:
 - the local governing body of the individual school, after hearing the case presented by the child's parents, decides that the pupil can return to school, or the Independent Review Panel directs the governing body to reconsider their decision.

The following types of behaviour may result in an internal and/or external suspension:

- A serious attack on another pupil or a member of staff
- Persistent disruptive behaviour which negatively impacts on the learning of others
- Bringing into school an offensive weapon, drugs, alcohol, matches or a lighter.

The decision to suspend/exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race.

Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to this process.

Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early and make reasonable adjustments in order to reduce the need for a subsequent suspension. In this situation, schools should consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.

Types of suspension

Internal suspension

A school can elect to carry out an internal suspension for a pupil. An internal suspension is an internal process within the school and is used when the objective is to remove the pupil from class, not from the school site, for disciplinary reasons.

External suspension

There are two kinds of external suspension: lunchtime or fixed term.

▪ A **lunchtime suspension** is counted as a temporary suspension. A pupil given a lunchtime suspension should leave the school premises for the duration of the lunchtime and return for the afternoon session. Lunchtime suspensions are counted as half a school day for statistical purposes. Any pupil given a lunchtime suspension must be collected from school and returned to school by their parent/carer.

▪ A **fixed term suspension** is a temporary suspension, where a pupil is temporarily removed from the school. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year).

A permanent exclusion

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated).

The decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

For any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered.

Canceling exclusions

The headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled:

The headteacher must notify the parents, the governing board, the CEO and the pupil's social worker and VSH as applicable, without delay. The notification must also provide the reason for the cancellation; The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement;

Roles and Responsibilities

The Headteacher

The headteacher must have approval of the CEO of St. Mary's Academy Trust before suspending /excluding a pupil. Only the head teacher, or in their absence, the Assistant head teacher can suspend/ exclude a pupil.

The length of the suspension is at the discretion of each individual school, with the approval of the CEO, but will operate within DfE guidelines. If the headteacher decides to suspend a pupil, they must call the parents or carers of the pupil to inform them about the decision. They must also write, on the day of the suspension, to the parents or carers to confirm the reason for their child's suspension. The letter will also inform parents/carers that they are entitled to put their case forward to the local governing body; how parents/carers can see their child's records; and what arrangements the school has made for the setting and marking of schoolwork during their child's suspension

period.

If a pupil is given a fixed term suspension of more than five days, the headteacher must make alternative, full-time education available to them. If a pupil would miss taking one of their tests (e.g. Y2/Y6 SATs, phonics screening check) because of the exclusion, the head teacher must inform the CEO of St. Mary's Academy Trust, the school's local governing body and the Local Authority.

A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen. The headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.

Headteachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil should be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker.

The governing board's duty

Governing boards have a key responsibility in considering whether excluded pupils should be reinstated. This forms part of their wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties.

Guidance for governing boards on considering an excluded pupil's reinstatement.

The governing board has a duty to consider parents' representations about a suspension or permanent exclusion. The requirements on a governing board to consider the reinstatement of a suspended or permanently excluded pupil depend upon a number of factors (see Dfe guidance)

In the case of an academy, the governing board may delegate to a committee of the trust board, including a local governing body, if the trust's articles of association allow them to do so.

The governing board must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher if:

- it is a permanent exclusion;
- it is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term
- it would result in the pupil missing a public examination or national curriculum test(see Governance Handbook 2019 (publishing.service.gov.uk))

For more information around this matter, please refer to the following [Suspension and permanent exclusion guidance September 2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Informing parents about an exclusion

Notification should be in person or by telephone in the first instance as this would allow parents to ask any initial questions or raise concerns directly with the headteacher.

Headteachers should consider the following:

- Has the school spoken to the parents (and when appropriate, the child's social worker) to ensure they fully understand the type/scale of the incident?
- Has the school considered how to communicate accessibly and clearly, including whether parents may have particular communication needs relating to a disability or having English as an additional language (EAL)?
- Has the school provided sufficient details in the suspension or permanent exclusion notice letter on the reasons for the suspension or permanent exclusion?

- Does the notice contain all the required information as set out in part six of the suspension and permanent exclusion guidance?
- Has the school informed parents (and when appropriate, the pupil's social worker or the local authority if a pupil has an EHCP) whether their pupil will be able to sit any national curriculum test(s) or public examination(s) occurring during the suspension or permanent exclusion?
- When several suspensions have been issued in a term, has the school informed parents of their right of representation to the governing board?
- Letter templates might be available from the local authority

St. Mary's Academy Trust

All fixed term suspensions and permanent exclusions at any school within the Trust must have the approval of the CEO in advance of the exclusion taking place. The Trust Board regularly monitors the number of fixed term suspensions and exclusions to ensure that no group of pupils in any school is unfairly disadvantaged through their use and that any underlying needs of any individuals are being fully met.

Review

This policy will be reviewed every two years and consultations sought if it is to be updated

