



Phoenix St. Peter Academy

Suspension and Exclusion Policy

Audience:	Children Parents School staff Local Governing Body
The policy owner is:	Mrs. Terri Freeman Deputy Headteacher, DSL & SENCo
Policy Version:	2
	Attendance & Punctuality Policy Behaviour & Positive Relationships Policy Single Equalities & Accessibility Policy Special Educational Needs Policy
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This policy was ratified by the Governing Body of Phoenix St. Peter Academy on:	20.05.2024
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At REAch2, our actions and our intentions as school leaders are guided by our Touchstones:



- Integrity** We recognise that we lead by example and if we want children to grow up to behave appropriately and with integrity then we must model this behaviour
- Responsibility** We act judiciously with sensitivity and care. We don't make excuses, but mindfully answer for actions and continually seek to make improvements
- Inclusion** We acknowledge and celebrate that all people are different and can play a role in the REAch2 family whatever their background or learning style
- Enjoyment** Providing learning that is relevant, motivating and engaging releases a child's curiosity and fun, so that a task can be tackled and their goals achieved
- Inspiration** Inspiration breathes life into our schools. Introducing children to influential experiences of people and place, motivates them to live their lives to the full
- Learning** Children and adults will flourish in their learning and through learning discover a future that is worth pursuing
- Leadership** REAch2 aspires for high quality leadership by seeking out talent, developing potential and spotting the possible in people as well as the actual

Aims and Ethos

It is our aim for everyone to achieve the very best they can and experience and celebrate success within our inclusive community, where relationships are based on mutual respect. Everyone has a responsibility to ensure that:

- 🏆 Learning is the priority.
- 🏆 They show respect, courtesy and consideration towards all members of the school community.
- 🏆 They are honest and co-operative with others.
- 🏆 They follow the rules and procedures of the school that keep themselves and others safe.
- 🏆 A child's behaviour outside school can be considered grounds for 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.

All members of the school community are expected to contribute positively to the wider community by:

- 🏆 promoting a positive image of the school.
- 🏆 respecting members of the wider community and their property.

1. Our School Rules

- 🏆 We listen and learn.
- 🏆 We do our best.
- 🏆 We care for each other and our school.

This policy is implemented in line with the Department for Education (DfE) Statutory Guidance: Behaviour in Schools guidance, School Suspensions and Permanent Exclusions guidance, Alternative Provisions & Pupil Referral Units guidance.

<https://www.gov.uk/government/publications/behaviour-in-schools--2>

<https://www.gov.uk/government/publications/school-exclusion>

<https://www.gov.uk/government/publications/alternative-provision>

2. Types of Suspension / Exclusion

There are two types of suspension or exclusion:

1. **Fixed Term Suspension:** for a specified period and may not be for more than 45 days in any one academic year. A fixed term suspension can be part of the school day.
2. **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 & Positive 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 other pupils in school, and/or would endanger the safety of other pupils or staff.

2a. Pupil Views

Headteachers should also take the child's view into account considering these in light of their age and understanding, before deciding to suspend or permanently exclude, unless it would not be appropriate to do so. They should inform the child about how their views have been factored into any decision made.

Where relevant, the child should be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. Whilst a suspension or permanent exclusion may still be an appropriate sanction, the Headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and in consideration of the DfE's Behaviour in Schools Guidance and the school's Behaviour & Positive Relationships Policy.

2b. Balance of Probabilities

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 the Headteacher should accept that something happened if it is more likely that it happened, than it did not happen. The Headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.

3. Reasons for and recording of Suspensions and Permanent Exclusions

The government trusts Headteachers to use their professional judgement based on the individual circumstances of the case when considering whether to suspend or permanently exclude a pupil. The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion:

-  Physical assault against a pupil
-  Physical assault against an adult
-  Verbal abuse or threatening behaviour against a pupil
-  Verbal abuse or threatening behaviour against an adult
-  Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by the school's Behaviour & Positive Relationships Policy
-  Bullying
-  Racist abuse
-  Abuse against sexual orientation or gender reassignment
-  Abuse relating to disability

4. Duties under the Education and Inspections Act 2006

Under the Education and Inspections Act 2006, Headteachers of maintained schools and pupil referral units must determine measures to be taken with a view to:

-  Promoting self-discipline and proper regard for authority amongst pupils
-  Encouraging good behaviour and respect for others on the part of pupils, and in particular, preventing all forms of bullying among pupils
-  Ensuring that the standard of behaviour of pupils is acceptable
-  Ensuring that pupils complete any tasks reasonably assigned to them in connection with their education, and
-  Otherwise regulating the conduct of pupils.

Permanent exclusions can help to achieve these aims when they are absolutely necessary, as a last resort.

5. Duties under the Equality Act 2010 and Children and Families Act 2014

Under the Equality Act 2010 (the Equality Act) schools must not discriminate against, harass, or victimise pupils because of their sex, race, disability, religion or belief, sexual orientation, pregnancy/maternity, or gender reassignment. For disabled children, this includes a duty to make any reasonable adjustments to any provision, criterion, or practise which puts them at a substantial disadvantage, and the provision of auxiliary aids and services. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:

-  Eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act
-  Advance equality of opportunity between people who share a relevant protected characteristic and people who do not
-  Foster good relations between people who share a relevant protected characteristic and people who do not share it

The 'relevant protected characteristics' in this context are the characteristics mentioned above. Age is also a relevant protected characteristic, but not when carrying out a function which provides education, benefits, facilities or services to pupils.

6. Pupils with disabilities and Special Educational Needs (SEN) including those with Education, Health Care Plans (EHCPs)

The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can, in principle, apply both to the suspensions and permanent exclusions process and to the disciplinary sanctions imposed. Under the Children and Families Act 2014, governing boards of relevant settings must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, which include any support in relation to behaviour management that they need because of their SEN. Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs.

Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHCP plan it should, in partnership with others, including the local authority, consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEND or disability.

Where a pupil has an EHCP plan, schools should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude. For those with SEN but without an EHCP plan, the school should review, with external professionals as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for schools to request an EHC assessment or a review of the pupil's current package of support.

7. Local Governing Body duties, role and appeals

All correspondence regarding an exclusion from the school will inform parents of their right to appeal to the Pupil Exclusion Committee or Independent Review Panel against the decision to exclude. This procedure is clearly set out in the statutory guidance. The person who should be contacted to initiate an appeal is the Clerk to the Governors.

If the number of fixed period exclusions exceeds 15 days for a term, the Pupil Exclusion Committee of the Local Governing Body must convene a meeting to consider reinstatement within 15 days of receiving notice of the exclusion.

If the number of fixed period suspensions / exclusions exceed 5 days in a term but less than 15, parents have the right to request that the Pupil Exclusion Committee of the Local Governing Body convene a meeting to consider reinstatement within 50 days of receiving the notice of the suspension / exclusion.

If the number of fixed period suspension / exclusions is less than 5 days in a term, the Pupil Exclusion Committee of the Local Governing Body must consider any representations made by parents but does not have the power to overturn the Headteacher's decision.

8. Off-Rolling and Unlawful Suspensions and Permanent Exclusions

Telling or forcing a pupil to leave school, or not allowing them to attend school is a suspension (if temporary), or permanent exclusion (if permanent). Whenever a pupil is made to leave school, or forbidden from attending school on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, and with regard to relevant parts of this guidance.

Suspending a pupil for a short period of time, such as half a day, is permissible but the formal suspension process must still be followed. Each disciplinary suspension and permanent exclusion must be confirmed to the parents in writing with notice of the reasons for the suspension, or permanent exclusion.

9. Setting a clear process for Suspensions and Permanent Exclusions

Headteachers should consider the following when setting a clear process for exclusions:

-  Adopting a reliable method of monitoring the maximum 45 days permitted in a school year out of school due to exclusion, including suspensions received from other schools;
-  Ensuring there is a formal process for informing parents, social worker and VSH (where relevant), governing board and local authority, clearly setting out all reasons for the exclusion;
-  Providing up to date links to sources of impartial advice for parents;
-  Reintegrating pupils whose suspension have ended or been cancelled and pupils whose permanent exclusions have been cancelled and supporting pupils' future behaviour
-  Ensuring a formal process for arranging, at short notice, suitable full-time alternative education for pupils receiving suspensions over 5 school days

- a) A fixed period suspension or permanent exclusion from the school can only be authorised by the Headteacher or the Deputy Headteacher acting on their behalf. If they are unavailable to authorise the exclusion, a decision should be deferred by a SENDCo until the opportunity for authorisation is available.
- b) Fixed period suspension cannot exceed more than 45 days in any one academic school year. If a child is receiving multiple suspensions, the Headteacher will contact the Local Authority (with parental consent) to discuss additional support, a managed move or an alternative placement. Where a child has an EHCP, then we will consider requesting an early or interim / emergency review to discuss provision.
- c) In the case of a permanent exclusion, this can only be authorised by the Headteacher (or acting Headteacher) and must only be done after consulting the Chair of Governors of the intention to impose this sanction, although the final decision rests with the Headteacher of the school.
- d) Phoenix St. Peter Academy seeks to reduce the number of incidents leading to suspensions by promoting a positive atmosphere of mutual respect and positive behaviour within the school.
- e) Phoenix St. Peter Academy regularly monitors the number of fixed term suspensions / permanent exclusions to ensure that no group of children is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

10. Notification of a Suspension or Permanent Exclusion

- a) Parents will be notified as soon as possible of the decision to suspend / exclude a child and the reason for the suspension / exclusion. This will be done on the day of the suspension / exclusion being authorised, by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the suspension / exclusion will be given or sent to parents/carers.
- b) In the case of a permanent exclusion, all parents/carers will be notified by the Headteacher in a face-to-face meeting if possible and in writing. A child who has been suspended / excluded will have the reason for his/her suspension / exclusion explained to them by a member of staff so that they understand the nature of their misbehaviour.
- c) In the case where a child is suspended or excluded and has a Social Worker or the pupil is looked after, these agencies will be notified without delay.
- d) Our school will set and mark appropriate work for any child suspended / excluded for a fixed period up to 5 school days. If a fixed term suspension / exclusion extends to a sixth consecutive school day, it is the legal duty of the governing body to provide educational provision for a child. Should it be a permanent exclusion, the responsibility is with the Local Authority (Suffolk County Council, or home authority if applicable).

- e) The school will also work to put in place a programme for the child on his/her return. This will include input from staff at the school, parents, if appropriate, and any other appropriate bodies e.g. Parent Support Worker, Specialist Educational Services (SES), or other specialist support agencies.
- f) Should it be decided for whatever reason that the matter needs to be put in the hands of another agency i.e. the incident leads to the discovery that there is a safeguarding issue, the school will continue to monitor the situation and work closely with that agency. It is hoped that in most cases following a fixed term suspension / exclusion, the child will be able to return to school and that further input will promote in him/her a more positive attitude and a subsequent improvement in behaviour.
- g) The Headteacher informs the local Deputy Director of Education for our Trust, the Local Authority (LA), DfE and the governing body about any permanent suspension / exclusion, and about any fixed-term suspension / exclusions beyond five days in any one term.

11.Children returning from a Fixed Term Suspension

All children returning from a fixed period suspension are required to attend a reintegration meeting, accompanied by a parent. This meeting will seek to establish practical ways in which further suspension can be avoided and behaviour modified to acceptable standards in partnership between child, parent and our school.

Where necessary, schools should work with relevant staff and multi-agency organisations such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools team, to identify if the pupil has any SEND and or health needs.

12.Permanent Exclusions

Phoenix St. Peter Academy will only permanently exclude a child as a last resort, after trying to improve the child's behaviour through other means. However, there are exceptional circumstances in which the Headteacher may decide to permanently exclude a child because of ongoing issues or even for an extreme 'one-off' incident.

The decision to exclude a child permanently could be taken if:

-  **There has been a serious breach or persistent breaches of the school's Behaviour for Learning Policy / Safety breaches,**
and
-  **Where allowing the child to remain in school would seriously harm the education or welfare of the child or other people in our school and would endanger the safety of other pupils or staff.**

NB: The Governing Body will be notified if a pupil will miss a public examination of a National Curriculum Test.

If your child has been permanently excluded, be aware that:

-  The school's Local Governing Body (LGB) is required to review the Headteacher's decision and you may meet with them to explain your views on the exclusion if the LGB confirms the suspension or permanent exclusion, you can appeal to an Independent Review Panel;
-  The school must explain in a letter how to lodge an appeal;
-  The local authority i.e. Suffolk County Council must provide full-time education from the sixth day of a permanent suspension or permanent exclusion;

13.Managed moves

A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. If a temporary move needs to occur to improve a pupil's behaviour, then off-site direction should be used. Managed moves should only be used when it is in the pupil's best interests.

Where a pupil has an EHCP plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a managed move, it should contact the authority prior to the managed move. If the local authority, both schools and parents are in agreement that there should be a managed move, the local authority will need to follow the statutory procedures for amending a plan.

Managed moves should be offered as part of a planned intervention. The original school should be able to evidence that inappropriate initial intervention has been carried out, including, where relevant, multi-agency support, or any statutory assessments were done or explored prior to a managed move.

14.Relationship to other school policies

The Suspension / Exclusion Policy should be read in tandem with the school's

-  Attendance & Punctuality Policy
-  Behaviour & Positive Relationships Policy
-  Single Equalities & Accessibility Policy
-  Special Educational Needs Policy

15. Legislation which relates to this policy:

-  The Education Act 2022 as amended by the Education Act 2011
-  The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
-  The Education and Inspection Act 2006
-  The Education Act 1996
-  The Education (Provision of full-time education for Excluded Pupil) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amended) Regulations 2014.

16. Monitoring and Review

-  The impact of this policy will be reviewed annually by the LGB.
-  The Headteacher will provide the LGB with regular monitoring reports which will help it to evaluate the effectiveness of the policy and procedures.
-  The policy and procedures will be reviewed and amended in the light of such evaluation and in consultation with representatives of all key stakeholders.

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