



**Excalibur Academies Trust**  
Suspensions & Exclusions Policy

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Other Policies and Documents Associated

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## 1 Introduction

- 1.1 Nythe Primary School's Suspension and Exclusion Policy aims to set out the process that will be followed and the additional considerations around suspensions and exclusions that Nythe Primary School will apply.
- 1.2 Good behaviour and self-discipline lead to effective learning and help prepare children and young people for life beyond the school gate. Where Nythe Primary School's approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in a safe, calm, and supportive environment.
- 1.3 Nythe Primary School will always have regard to the Statutory Guidance on Suspensions and Exclusions when making decisions on suspensions and exclusions and will follow the law, as set out in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations](#).
- 1.4 This policy should be read in conjunction with the Behaviour Policy, Child Protection & Safeguarding Policy and the SEND Policy for Nythe Primary School.

## 2 Application of policy

- 2.1 This policy applies to all members of the Nythe Primary School community. Each school/academy within the Excalibur Academies Trust will apply suspensions and exclusions in accordance with this policy and ensure that its contents are relayed to all staff, parents and pupils.

## 3 Types of exclusion

Suspensions and permanent exclusions are different:

- 3.1 **Suspensions** (previously called fixed-term exclusions) are where a pupil is prevented from attending the school for a fixed period. At the end of the period, they are expected to return to school following a reintegration meeting. A pupil may receive a maximum of 45 days of suspension in an academic year.
  - 3.1.1 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 suspension does not have to be for a continuous period.
  - 3.1.2 Where a pupil has been suspended, they should return to the academy on the first session after the fixed period of suspension expires.
  - 3.1.3 Pupils whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period; one

lunchtime period is counted as a half school day for calculation purposes.

- 3.1.4 It is important that during a suspension, pupils still receive their education. Headteachers/Principals should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. The school's legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period.
  - 3.1.5 For a suspension of more than five school days, the school/academy must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the suspensions.
  - 3.1.6 Informal or unofficial suspensions, such as sending a pupil home to regulate, are unlawful, regardless of whether they occur with the agreement of parents or carers. Any suspension of a pupil, even for short periods of time, must be formally recorded.
- 3.2 **Permanent exclusions** are where, subject to a decision of the Governor Disciplinary Committee whether to reinstate the pupil to the school, the pupil is prevented from attending the school again. A decision to permanently exclude will 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.

## 4 Roles and responsibilities

All members of the Nythe Primary School community are expected to follow this policy. Roles, responsibilities and expectations of each section of the Nythe Primary School community are set out in detail below.

### 4.1 The Headteacher/Principal

- 4.1.1 All decisions to suspend or permanently exclude a pupil will be taken by the Principal. Every decision made will be proportionate to the seriousness of the behaviour with reference to the Nythe Primary School behaviour policy. A decision to permanently exclude a pupil will only be made following consultation with the School Improvement Director and Head of SEND.
- 4.1.2 Nythe Primary School will only make lawful permanent exclusions and suspensions; students will not be sent home for part of a school day unless this is by way of a formal suspension or permanent exclusion.
- 4.1.3 The behaviour of pupils outside school can be considered as grounds for permanent exclusion or suspension.

4.1.4 The Principal will ensure appropriate investigations have been carried out, and that the pupil has been provided the opportunity to make a written statement. If the pupil chooses not to provide a written statement, the evidence included in the Governor Disciplinary Committee pack will confirm that the pupil was given the opportunity and adequate support to make a statement but declined to do so.

## 4.2 **The Governors**

4.2.1 The Academy Committee is responsible for forming a Governor Disciplinary Committee to review exclusions and suspensions when it is required to do so, or if it is requested by parents. In each case, the decision of the relevant committee formed by the Academy Committee will be to decide whether to uphold the exclusion or suspension, or instead to reinstate the pupil to the school.

4.2.2 When establishing the facts in relation to a permanent exclusion or suspension decision the Governor Disciplinary Committee will 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'

## 4.3 **Parents**

Parents will be informed without delay of any suspension or exclusion and there is an ability to make representations in regard to any suspension or exclusion decision. Details will be provided on the rights parents have with every letter that is sent from the Principal

## 4.4 **Pupils**

All pupils of the schools/academies in the Trust are expected to follow the expectations regarding their behaviour to ensure that all pupils can learn and participate in school life effectively. Where those expectations are breached, the behaviour policy will apply.

# 5 **CCTV, witness evidence and pupil views**

5.1 Nythe Primary School uses Close Circuit Television (CCTV) within its premises. This is to provide a safe and secure environment for pupils, staff and visitors. If behavioural incidents are recorded on CCTV, the footage may be viewed as part of the investigation and the content considered before imposing a sanction. If CCTV is relied upon for a decision on a suspension or exclusion, then a transcript will be provided at the Governor Disciplinary Committee meeting.

- 5.2 Where witness evidence is relied upon, whether that be from a pupil or a staff member, the statement(s) will be provided at the Governor Disciplinary Committee review meeting. All statements will be signed and dated. The signature will be redacted at the discretion of the Principal to protect the anonymity of the relevant witness if required. Reasons for redaction may include threats of reprisals.
- 5.3 Before making a decision to suspend or exclude, and where appropriate, the [Headteacher/Principal] will strive to consider the pupil's views, taking into account their age and level of understanding. The pupil will also be informed of how their views have been considered in the decision-making process. Where relevant, the pupil will be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. The Principal will also take account of any contributing factors identified after an incident of misbehaviour has occurred.

## **6 Reintegration strategy meetings following suspension or off-site direction**

6.1 Where a pupil is suspended or is directed to be educated off-site, upon return to the school/academy both the pupil and parents will be invited to a reintegration strategy meeting. The purpose of the meeting is to:

- 6.1.1 offer the pupil a fresh start;
- 6.1.2 help them understand the impact of their behaviour on themselves and others;
- 6.1.3 remind them to how meet the high expectations of behaviour in line with the school culture;
- 6.1.4 foster a renewed sense of belonging within the school community; and
- 6.1.5 build engagement with learning,

so that further suspensions are not needed. School staff will work with the pupil to understand what led to the behaviour and to establish if any changes can be made or further support implemented from a pastoral or practical perspective that might reduce the chance of repeat behaviours. Previous behaviour is not seen as an obstacle to future success.

- 6.2 The reintegration meeting will take place, regardless of whether the parent or pupil attends. The outcomes of the meeting will then be shared with the parent and pupil and will be included in any information provided to a Governor Disciplinary Committee.
- 6.3 There should be no delay in returning to school; Nythe Primary School will not refuse a student attending while a return to school or re-integration meeting is being arranged.

- 6.4 Nythe Primary School uses various measures to support a pupil's successful reintegration including:
- 6.4.1 [daily contact with a designated pastoral professional in-school;
  - 6.4.2 use of personalised targets leading to personalised rewards;
  - 6.4.3 ensuring the pupil receives academic support upon return to catch up on any lost progress;
  - 6.4.4 planned pastoral interventions;
  - 6.4.5 mentoring by a trusted adult;
  - 6.4.6 regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage; and
  - 6.4.7 informing the pupil, parents and staff of potential external support.

## 7 Cancelling a suspension or exclusion

- 7.1 A suspension or exclusion can be cancelled by the Principal as long as the suspension or exclusion has not been considered by the Governor Disciplinary Committee. In relation to an exclusion, it cannot be cancelled if the total time the pupil was excluded or suspended that academic year would be over 45 days at the point of the decision to cancel the exclusion.
- 7.2 Where a suspension or exclusion is cancelled, the relevant parties will be informed by the Principal in accordance with the [Statutory Guidance on Suspensions and Exclusions](#).
- 7.3 Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 days permitted in any school year.

## 8 Suspensions before a permanent exclusion

- 8.1 In some circumstances, pupils may receive a suspension prior to a permanent exclusion. For each decision, the Principal will send the relevant letter setting out the rights of parents. A suspension cannot be converted into a permanent exclusion. It may sometimes be appropriate for Principals to issue a further suspension or issue a permanent exclusion (both immediately after the original suspension), though this is limited to exceptional circumstances, usually where new information or evidence has come to light. This is a fresh decision and needs to be treated as such in terms of process, with parents informed without delay and a new suspension or exclusion notice issued.

## 9 Directing off-site and managed moves

- 9.1 Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction should be used to arrange time-limited placements at an AP or another mainstream school. Approval from the Director of Secondary / Primary Improvement will be required.
- 9.2 In the case of directing a pupil off-site to alternative provision, the aim of any direction is for it to be used as a short-term measure as part of the school's behaviour management strategy to improve a pupil's behaviour where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate. While parental consent is not needed, discussions would take place with parents to feed in their views about the options.
- 9.3 For a managed move to take place there needs to be agreement between the school, the parents and the new school that a managed move should occur. Nythe Primary School will share relevant information with the new school and check that they have an integration strategy. A managed move is the transfer of a child from one mainstream school (the home school) to another mainstream school (the new school), permanently, and involves a move from the home school's admission register to the admission register of the new school. A managed move can also be undertaken following a period of off-site direction to an alternative provision setting where the child is dual registered (i.e., registered at both the home school and the alternative provision). If, following a review of the off-site direction it is agreed that it is in the best interest of the child, a managed move can take place and the child's name can be removed from the admission register of their home school.
- 9.4 Information about the consideration by the Principal of an off-site direction and/or managed move will be included as evidence in the Governor Disciplinary Committee information pack. If an off-site direction/or managed move was not implemented, then details will be included about why it was not considered to be in the best interests of the pupil.
- 9.5 Where a pupil has an EHC 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 appropriate 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. The threat of permanent exclusion will not be used as a means to encourage parents / carers to move their child to another school.

- 9.6 The managed move should be preceded by information sharing between the original school and the new school, including data on prior and current attainment, academic potential, a risk assessment and advice on effective risk management strategies. It is also important for the new school to ensure that the pupil is provided with an effective integration strategy.

## 10 Remote Meetings

- 10.1 Any Governor Disciplinary Committee meeting may be conducted remotely where the parents request for it to be conducted remotely and the meeting can be fairly held remotely, with all participants having access and are able to make representations. A meeting may also take place remotely where there is an extraordinary event or unforeseen circumstance that means it's not reasonably practicable to hold the meeting in person. Such events can include, but are not limited to, floods, fire, and an outbreak of an infectious disease.
- 10.2 In addition, where a child's social worker or the virtual school head are due to attend a meeting, they may join an in-person meeting remotely as long as it can be fairly accessed, the technology is available, and everyone would be able to make representations.

## 11 Equality

- 11.1 The decision to suspend or 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 exclusion.
- 11.2 Nythe Primary School does all it can to ensure that its policies do not discriminate against pupils or others, either directly or indirectly, in line with any Equality Act 2010 protected characteristics. This includes race, religion, disability, sexual orientation, and sex.
- 11.3 It is unlawful to suspend or exclude a pupil for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a pupil's parents; or the failure of a pupil to meet specific conditions before.
- 11.4 The academy should ensure that the behaviours exhibited that lead to the sanction are not a key feature of their disability. Any sanction given, including suspension or permanent exclusion, must be a considered and proportionate response and will have due regard to the [SEND code of practice](#).