



## Suspension and Permanent Exclusion

**Statutory** / Non Statutory

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## Suspension and Permanent Exclusion Policy

### ADOPTION AND AMENDMENTS TO SUSPENSION AND PERMANENT EXCLUSION POLICY

Section	Governors' Meeting or Committee
Whole document	April 2024
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# Suspension and Permanent Exclusion Policy

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## Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- In addition, the policy is based on:
  - Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out parental responsibility for excluded pupils
  - Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014
- The Equality Act 2010
- Children and Families Act 2014

## Introduction

It is the primary aim of Hockliffe Lower School that every member of the school community feels safe, valued and respected, and that each person is treated fairly and well. We are an inclusive, caring community, whose values are built on mutual trust and respect for all. The school's suspension and permanent exclusion policy is therefore designed to support the way in which all members of the school can live and work together in a supportive way. It aims to promote an environment where everyone feels happy, safe and secure. It is also to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.

The Local Governing Body and the Headteacher are responsible for promoting good behaviour and discipline on the part of the school's pupils and for securing an orderly and safe environment for pupils and staff. We respond to challenging behaviour in a variety of ways and in the context of the school's behaviour policy. We try to respond to the needs of individuals and in some cases, children may need support beyond the resources of the school. We deploy our own resources and the additional

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resources and personnel available to us to try to prevent suspensions and permanent exclusions but we recognise that the interests of the whole school community must be reflected in any action taken. Where fixed term suspensions are becoming a regular occurrence for a pupil, the Headteacher will consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

Only the Headteacher (or Acting Headteacher) has the power to suspend or permanently exclude a pupil from school. The Headteacher may suspend a pupil for one or more fixed periods. This must not amount to more than 45 days in any one school year and does not have to be for a continuous period. The Headteacher may also exclude a pupil permanently. A fixed term suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion. The law does not allow for extending a fixed term suspension or 'converting' a fixed term suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed term suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Under the Equality Act 2010 (the Equality Act) and the Equality Act 2010: advice for schools - GOV.UK ([www.gov.uk](http://www.gov.uk)), schools must not discriminate against, harass, or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice 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; and
- 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.

These duties need to be complied with when deciding whether to exclude a pupil. Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of suspension. For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory. The Local Governing Body must also comply with their statutory duties in relation to pupils with Special Educational Need and Disability (SEND) when administering the suspension and permanent exclusion process, including using all 'reasonable endeavours' to ensure the appropriate special educational provision is made for pupils with SEND with regard to the Special Educational Need and Disability (SEND) Code of Practice.

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### **Procedure to be followed**

When a pupil is suspended or permanently excluded the parents are informed immediately (usually on the day of the suspension or permanent exclusion), giving the reason for the suspension, the length of the suspension and the right of appeal. This notification is usually given verbally in person wherever possible and is followed up immediately with formal written notification. The Chair of the Local Governing Body and the local authority are also notified immediately of any suspensions / permanent exclusion regardless of the duration. If a pupil has a social worker, or if a pupil is looked-after, the Headteacher will notify the social worker as applicable.

The Local Governing Body has a pupil discipline committee of three Governors / Directors of the Trust. This committee considers any suspension or permanent exclusion on behalf of the governors. If the parent/carer makes representations, the pupil discipline committee must meet within 50 school days of receiving notice of a fixed-period suspension which brings the pupil's total number of days suspended to more than five but less than 15 school days in a term. The pupil discipline committee must meet within 15 school days of receiving notice of the permanent exclusion or suspension, if it is a permanent exclusion or is a suspension which brings the pupil's total number of school days of suspension to more than 15 in a term.

When the pupil discipline committee meets to consider a suspension or permanent exclusion, they consider the circumstances in which the pupil was suspended or permanently excluded, consider any representation from the parents and consider whether the pupil should be reinstated. If a pupil has a social worker, the Headteacher will inform the social worker of when a pupil discipline committee meeting is taking place and the social worker can attend the meeting, should they wish to in order to share information. If the committee decides that a pupil should be reinstated, the Headteacher must comply with this ruling.

The Headteacher may cancel a suspension or permanent exclusion that has not been reviewed by the Local Governing Body. Where a suspension or permanent exclusion is cancelled, then:

- Parents, the Local Governing Body and the local authority should be notified without delay and, if relevant, the social worker;
- Parents should be offered the opportunity to meet with the Headteacher to discuss the circumstances that led to the suspension or permanent exclusion being cancelled;
- The Headteacher should report to the Local Governing Body once per term on the number of suspensions and permanent exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation;
- The pupil should be allowed back into school.

### **The use of suspension and permanent exclusion**

Suspension or permanent exclusion will only usually be used as a last resort when all other strategies available to the school have been used. Circumstances in which a pupil may be suspended may include:

- Persistent disruption of lesson, which prevents the learning of others

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- Swearing or rudeness to staff
- Bullying, including homophobic bullying
- Homophobic comments
- Misogynistic comments
- Racist comments, behaviour or graffiti
- Deliberate damage to property
- Persistent refusal to co-operate with reasonable requests
- Actual or threatened violence to pupils or staff
- Sexual misconduct or comments
- Incitement of others
- Supplying or use of illegal drugs
- Carrying an offensive weapon
- Leaving the school premises
- A situation 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.
- The school will normally have addressed the following issues:
  - Clear identification with the pupil of the offending behaviour
  - Monitoring and recording of all incidents
  - The use of appropriate sanctions
  - Notification to parents of the concerns and sanctions taken
  - Investigation into possible safeguarding issues involving the child
  - Involvement of Inclusion and Intervention
  - Implementation of a Risk Reduction Plan
  - Discussion with pupil and parents of possible ultimate sanctions

Following a fixed term suspension, a reintegration meeting will be held in school to ensure that the pupil is adequately supported with future behaviour.

There may, however, be exceptional circumstances where, in the Headteacher's judgement it might be appropriate to permanently exclude a child for a first or one-off offence. These include:

- Serious actual or threatened violence against another pupil or member of staff
- Sexual misconduct
- Supplying or use of illegal drugs
- Carrying an offensive weapon

For any permanent exclusion, the Headteacher 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.

### **Lunchtime Suspension**

Pupils whose behaviour is disruptive at lunchtime may be suspended from the school premises for the duration of the lunchtime period. A warning letter is usually sent to parents/carers informing them of the behaviour and advising that unless there is an improvement a lunchtime suspension may result.

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Lunchtime suspension is treated in the same way as any other fixed period of suspension. The Headteacher will therefore inform the parent of the period of the suspension and the reasons for it. Lunchtime suspension should normally be no more than 5 school days. A parent has the right to make representations about the suspension to the pupil discipline committee. If a parent refuses to cooperate with a lunchtime suspension by refusing to collect or arrange for their child to be collected, the school must have due regard for the pupil's safety, in deciding what action to take.

Hockliffe Lower School

Adopted by the Local Governing Body,

April 2025