



WESTFIELD PRIMARY SCHOOL AND NURSERY

Suspension and Exclusion Policy

Ratified: December 2022

Ratified by: Full Governing Board

Date to be reviewed: December 2023 by the Full Governing Board

This policy should be read in conjunction with the school's policies on: behaviour, child-on-child abuse, and physical intervention.

At Westfield Primary School and Nursery, we place great emphasis on the principles of inclusion and aim to deal with behaviour that is not in keeping with our rules (see our behaviour policy) in an active and positive way, employing a wide range of strategies (including interventions) specifically designed to avoid such issues reaching the point of suspension or exclusion.

However, the school recognises that in order to protect the rights of all members of the school community, situations may occur where suspension or exclusion are necessary.

Before deciding whether to suspend (for a fixed period) or exclude (permanently) a child, the headteacher will follow the procedures in our behaviour policy. Where the headteacher feels that a child is not making progress towards targets they have to support them - despite regular meetings, and reviews - it may be necessary for the headteacher to suspend a pupil (in line with government guidance). The guidance for suspensions and exclusions can be found, here:

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

At all stages in the process leading to either a suspension or exclusion, the headteacher will follow the local authority guidance for suspensions and exclusion, which can be found here:

<https://thegrid.org.uk/admissions-attendance-travel-to-school/exclusions>

Suspension

A suspension will be considered where the headteacher feels that there has been a sustained period of unacceptable behaviour AND where there is no evidence of the child showing progress towards their targets.

Or, a single case of dangerous behaviour (as defined in our behaviour policy).

The headteacher will adopt the following recommended approach:

- The child will be suspended for a fixed period, the length of which will be determined by the headteacher in line with local authority guidance.
- Parents will be notified immediately by telephone and asked to remove their child from the school.
- Parents will be given a formal letter outlining the reason for the suspension and details of procedures they may wish to adopt including the procedure for appeals. See model letter 1 below.
- The Chair of Governors will be notified at the time the suspension is decided, as will the appropriate agencies of Hertfordshire County Council.
- The school will work to put in place a Risk Assessment Plan for the pupil on their return to school.

- The plan will include input from staff at the school, parents, and, if deemed appropriate, the child.
- The school will seek the advice of external professionals where appropriate.
- The plan will be shared with the child and his or her parents at a reintegration meeting.

Should it be decided, for whatever reason, that the matter needs to be put in the hands of another agency (for example, 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 suspension, the child will be able to return to school and that the Risk Assessment Plan will promote a subsequent improvement in behaviour.

Permanent Exclusion

The decision to exclude a pupil permanently is a serious one. There are two main types of situation in which a permanent exclusion might be considered:

- A final, formal step in a concerted process for dealing with disciplinary offences following the use of the wide range of other strategies, including fixed term exclusions, which have been used without success.
- Or, where there are exceptional circumstances and it is not appropriate to implement other strategies. These might include: sexual abuse or assault; supplying an illegal drug; carrying an offensive weapon (as defined by the Prevention of Crime Act 1993); arson.

Where the headteacher takes the decision to exclude a child, they will write to the parents (see model letter 2) below and follow the local authority guidance.

MODEL LETTER 1

From the headteacher notifying parents of a suspension of 5 days or fewer in one term, or which brings the child's total number of days or suspension to no more than 5 days in one term, and where a public examination or national curriculum test is not missed.

Dear **[parent(s)/carer(s) name(s)]**

I am writing to inform you of my decision to suspend **[child's name]** for a period between the dates **[specify period]** inclusive. This means that **[child's name]** will not be allowed in school during this period. The suspension begins/began on **[date]** and ends on **[date]**. **[child's name]** should return to school on **[first school day following the end of the suspension]**.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[child's name]** has not been taken lightly. **[Child's name]** has been suspended because **[specify full reason(s) for suspension]**.

You have a duty to ensure that **[child's name]** is not present in a public place during school hours for the duration of this suspension, between **[specify period]** inclusive, unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

We will set work for **[child's name]** to complete on the days specified in the previous paragraph, i.e. the school days during the period of the suspension when you must ensure that he/she is not present in a public place without reasonable justification. **[Detail the arrangements for this]**. Please ensure that the work set is completed and returned promptly to us for marking.

You have the right to make representations about this suspension to the Governors' Disciplinary Committee/Management Committee. If you wish to make

representations please contact **[name of contact]** at **[contact details - to include address, telephone number, e-mail]**, as soon as possible. Whilst the Governors' Discipline Committee/Management Committee has no power to direct reinstatement, they must consider any representations you make, and they may place a copy of their findings on **[child's name]**'s school record.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this suspension, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is First-tier Tribunal (Special Educational Needs and Disability), 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (telephone number 01325 289350). Guidance on making a claim of discrimination to the First-tier Tribunal can be found at <http://www.justice.gov.uk/tribunals/send/appeals>

You are requested to attend a reintegration meeting with **[child's name]** at the school on **[date]** at **[time]**. If that is not convenient, please contact **[enter name of person to be contacted]** as soon as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by **[enter "me" or the name and position of the person who will conduct the reintegration interview]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Please note that failure to attend a reintegration interview may be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of **[child's name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of this. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact **[name of area Inclusion Officer]**, Inclusion Officer, Children's Services at **[contact details - address, telephone number, e-mail]**, who

can provide advice. You may also find it useful to contact The Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 01206 714 650 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

You may also wish to refer to relevant sources of information about suspensions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at <https://www.gov.uk/government/publications/school-exclusion>. Further guidance from the Local Authority is available at <http://www.thegrid.org.uk/info/welfare/exclusions.shtml>.

[Child's name]'s suspension expires on **[date]** and we expect **[him/her]** to return to school on **[date]** at **[time]**.

Yours sincerely,

Suzanne Stace
Headteacher

MODEL LETTER 2

From the headteacher notifying parents of a permanent exclusion.

Dear [parent(s)/carer(s) name(s)]

I am writing to inform you of my decision to permanently exclude [child's name] with effect from [date]. This means that [child's name] will not be allowed in this school unless [he/she] is reinstated by the Governors' Disciplinary Committee/Management Committee.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly. [Child's name] has been permanently excluded because [specify full reason(s) for exclusion].

You have a duty to ensure that [child's name] is not present in a public place in school hours during the first five days of this exclusion, in this case between [specify period] inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if [child's name] is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

Alternative arrangements for [child's name] education to continue will be made. We will set work for [child's name] during the first 5 days of this exclusion. [Detail the arrangements for this]. Please ensure that the work set is completed and returned promptly to us for marking.

From the sixth school day of the exclusion onwards, i.e. from [specify the date] the Home Local Authority will provide suitable full-time education. [Where pupil lives in Hertfordshire, enter the name of the local Inclusion Officer], Integration Officer will contact you to let you know the arrangements for this. [Where pupil lives beyond Hertfordshire] I have informed [name of officer] at [name of XXX Local Authority] of your child's exclusion and [he/she] will be in touch with you

about arrangements for **[child's name]** education from the sixth school day of exclusion. You can contact **[him/her]** at **[give contact details]**.

As this is a permanent exclusion the Governors' Disciplinary Committee/Management Committee must meet to review my decision to exclude **[child's name]**. You may attend the review meeting and make representations to the Governors' Disciplinary Committee/Management Committee and ask the panel to reinstate your child if you wish. The Governors' Disciplinary Committee/Management Committee has the power to reinstate your child immediately or from a specified date, or, alternatively, they may decide to uphold the exclusion in which case you may ask for the Governors' Disciplinary Committee/Management Committee's decision to be reviewed by an Independent Review Panel. The latest date by which the Governors' Disciplinary Committee/Management Committee must meet is **[specify date, which must be no later than 15 school days after the date on which the Governors' Disciplinary Committee/Management Committee was notified of the exclusion to which this letter relates]**. You will be notified by the Clerk to the Governors' Disciplinary Committee/Management Committee of the time, date and location of the meeting whether you choose to make representations or not. If you wish to make representations to the Governors' Disciplinary Committee/Management Committee please contact **[name of contact]** at **[contact details - address, telephone number, e-mail]**, as soon as possible after being notified of the date of the meeting. You may be accompanied by a friend or representative, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform **[GDC contact at the school]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is First-tier Tribunal (Special Educational Needs and

Disability), 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (telephone number 01325 289350). Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee. Guidance on making a claim of discrimination to the First-tier Tribunal can be found at <http://www.justice.gov.uk/tribunals/send/appeals>

You also have the right to see a copy of [child's name] school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of this. There may be a charge for photocopying.

You may wish to contact [name of area Inclusion Officer], Inclusion Officer, Children's Services at [contact details - address, telephone number, e-mail], who can provide advice. You may also find it useful to contact The Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 01206 714 650 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

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Yours sincerely,

Suzanne Stace
Headteacher