



SUSPENSION AND EXCLUSION POLICY

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CONTENTS

1.0	WHAT IS SUSPENSION?	3
1.1	Definition.....	3
2.0	WHO CAN SUSPEND A PUPIL?	3
3.0	REASONS FOR SUSPENSION	3
3.1	Keeping Everyone Safe	3
3.2	Reasons to Suspend	3
3.3	Unacceptable Conduct which Might Lead to Suspension.....	4
3.4	Other Reasons for Suspension	4
4.0	PROCEDURE FOR A FIXED TERM SUSPENSION	4
5.0	RETURN TO SCHOOL MEETING	5
6.0	PERMANENT EXCLUSION	5
7.0	TERMINATING A PLACEMENT	6
8.0	REFERENCES AND LEGAL CONTEXT.....	6

1.0 WHAT IS SUSPENSION?

1.1 Definition

Suspension means that a pupil is not allowed to attend school and must remain at home during school hours, under the supervision of a parent or carer. We aim to be an inclusive school and as such suspension will be a very last resort.

There are two types of suspension:

- 1) Suspension: the use of the term suspension in this policy refers to a fixed-term suspension, i.e. for a specified period of term. A pupil can be suspended for one or more fixed periods up to a maximum of 45 days in one academic year.
- 2) Permanent Exclusion: is when a pupil will not be allowed to return to school and their name will be removed from the Admission Register.

2.0 WHO CAN SUSPEND A PUPIL?

Only the Headteacher can authorise a suspension. In their absence, the Headteacher can delegate this decision to another senior leader. Any decision to suspend a pupil must be discussed by the Headteacher with Directors before proceeding. This will support discussion about suitable, inclusive alternatives.

3.0 REASONS FOR SUSPENSION

3.1 Keeping Everyone Safe

We have a duty to keep everyone in school safe. Sometimes maintaining safety might mean that a pupil will need to be removed from a situation or suspended from school.

Our school provides education for pupils with complex needs. These include autism and/ or social, emotional and mental health needs, which are often linked to attachment and adverse childhood experiences (ACEs).

Some pupils may have additional learning needs or developmental delay. We assess and admit pupils based on an understanding that we can provide for the above needs including behaviours that challenge. We use incident review processes and analyses as tools for identifying further support strategies and resources.

All behaviours and incidents will be considered in context, including determining the degree of intent, premeditation and understanding. Therefore, we will use suspension only as a last resort in exceptional circumstances. Sometimes this might be the only suitable response available to a Headteacher if all other internal strategies and approaches in our Behaviour, Rewards and Sanctions Policy has been exhausted or would not be appropriate.

3.2 Reasons for Suspension

The Headteacher will use suspension if they believe that allowing a pupil to remain in school would:

- cause serious harm to the health, safety or welfare of others in the school
- cause serious harm to the health, safety or welfare of the pupil in question
- cause serious harm to the education of the pupil or others within the school

3.3 Unacceptable Conduct which Might Lead to Suspension

Suspension is an absolute last resort. The following examples of unacceptable or dangerous conduct may lead to suspension:

- premeditated physical assault
- serious actual or threatened violence against others
- misuse, supply, or intent to supply drugs or alcohol in school
- carrying or use of an offensive weapon* in school
- fire starting or arson
- serial bullying
- racist abuse
- abuse against sexual orientation or gender reassignment
- abuse relating to disability

** Offensive weapons are defined in the Prevention of Crime Act 1953 as, "any article made or adapted for causing injury to the person; or intended by the person having with him for such use by him"*

3.4 Other Reasons for Suspension

The Headteacher might decide that suspension is the only appropriate action and sanction.

4.0 PROCEDURE FOR A FIXED-TERM SUSPENSION

- 1) The Headteacher will review all available evidence, speak to all concerned, including the pupil concerned, before reaching a decision to suspend. The Headteacher will consult Directors to discuss the range of alternative strategies considered before deciding to suspend, unless doing so would cause unnecessary delay or present serious risk of harm.
- 2) The Headteacher will consider all relevant facts and verified evidence to support the allegations made and take into account the Prosperity Children's Services policy for equality and diversity. They will consider whether any incidents were provoked by racial or sexual harassment.
- 3) Parents/Carers will be contacted immediately to discuss the situation and reasons for suspension. Where the pupil has a Social Worker, is a Child Looked After, the Headteacher will notify the Social Worker and/or Virtual School Headteacher as soon as possible.
- 4) A letter will be sent to Parents/Carers and the Local Authority commissioner, giving details of the suspension, length and date the suspension will end. The letter will remind Parents/Carers that for the first five days of any suspension, they are legally responsible for the whereabouts of their child. If their child is found in a public place during school hours, they could be issued with a penalty notice. Parents/Carers can designate a responsible adult known to the family to fulfil this duty.

- 5) The suspension letter will explain the right and process for challenging a decision to suspend. This can be done following the School's Complaints Procedure.
- 6) All suspensions will be recorded on a student's file and on the Attendance Register.
- 7) Reasonable steps will be taken to set and mark work for the first five days of suspension.
- 8) From the sixth day of a suspension, the school will provide suitable education in a place of learning, which might be away from the School premises.
- 9) In exceptional circumstances, usually where further evidence has come to light, a further suspension might be issued, which begins immediately after the first suspension ends. A Permanent Exclusion or decision the end a placement may be issued to begin immediately after the end of the first or subsequent suspension.
- 10) The Headteacher will not delay implementing a decision to suspend or permanently exclude a pupil simply because a police investigation might be underway which leads to criminal proceedings. The Headteacher will take a decision on the evidence available to them at the time.
- 11) A Re-Integration Meeting will be held for any pupil who is suspended. The Headteacher will consider the strategies currently in place to support the pupil, and also whether their placement is at likely to become at risk of breakdown.

5.0 RETURN TO SCHOOL MEETING

A meeting will be held at the end of the fixed-term suspension period to support the pupil's return to school following a suspension.

- The meeting will be attended by the Headteacher, Tutor, the Parents/ Carers and the pupil.
- Discussions will explore with the pupil the situation leading to suspension and how they could have managed things differently.
- Staff will identify supportive and restorative strategies to support the pupil to modify their behaviour and avoid the need for further suspension.
- A Suspension – Reintegration Meeting document will be completed during the meeting and shared with all parties.
- Risk Assessments will be updated to include approaches to manage behaviours where there are safety concerns.

6.0 PERMANENT EXCLUSION

The Headteacher should follow the steps outlined above for a fixed-term suspension, explaining clearly that permanent exclusion is being considered due to serious and/or persistent breaches of school policies.

- If there have been multiple previous suspensions, then the Headteacher will have ensured regular communication with Parents/Carers and local authority representatives about potential next steps.

- The Headteacher will discuss the rationale with Directors and follow any Company protocols for terminating a placement, before the decision is finalised and communicated to others.
- The suspension letter will provide information about the right to challenge the decision and any right to appeal through the Complaints Procedure. The letter will contain the name and contact details of the appropriate Director with whom to lodge an appeal.

7.0 TERMINATING A PLACEMENT

It would be rare and with reluctance but there might be some circumstances where the Headteacher and other professionals might agree that the school can no longer meet the needs of a pupil. Sometimes a child's needs and personal situation change significantly, leading them to require a very different type of provision. In these situations, suspension would not usually be considered but a well-managed placement move might be appropriate.

Professionals' meetings will take place, where possible including Parents/Carers. Potential next steps will be agreed with the Local Authority. This can include requesting an early Annual Review to discuss change of special educational needs. This would ensure the Education Health and Care Plan (EHCP) could be updated to support the child, family and local authority in finding a more suitable provision.

Either the Local Authority or Prosperity Children's Services can give notice to terminate a placement. If a placement move is agreed to be in the best interests of the pupil, then giving formal, written notice to the relevant Local Authority is usually a final decision. This process would be managed with all relevant parties involved to ensure a supportive move.

Until a pupil is taken off roll, the Headteacher will try to provide a full-time programme of education for the pupil. If this is not possible, then work will be provided, and remote learning or alternate provision also considered depending on individual risks and needs.

8.0 REFERENCES

The following have been considered when writing this policy:

- Behaviour, Rewards and Sanctions Policy – Silver Birch School (2024)
- The Education Act 2002, as amended by the Education Act 2011
- Suspension and Permanent Suspension from maintained schools, academies and pupil referral units in England, including pupil movement (Sept 22)
- Keeping Children Safe in Education (2023)
- Safeguarding and Child Protection Policy – Silver Birch School (2024)
- Part 3, Para 9 and Suspension element of Part 6 (24) (3)a of the Education (Independent School Standards Compliance Record) 2014 (England (Amendment) Regulations
- the School Discipline (Pupil Suspensions and Reviews) (England) Regulations (2012)
- Behaviour in Schools: Advice for Headteachers and school staff Sept 2022 (updated Oct 2022)
- The Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Suspended Pupils) (England) (Amendment) Regulations (2014)
- Human Rights Act 1998, as amended by the Human Rights Act 2004
- Race Relations Act 1976, as amended by the Race Relations Act 2010
- Equality Act 2010