This is a statutory policy as required by the Department of Education (March 2024).

Suspension & Permanent Exclusion Policy

(For the purpose of our setting, this policy refers to suspension only)

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Statement of intent

At The Loyne Specialist School we understand that good behaviour is essential for promoting a high-quality education. We encourage a calm, orderly and friendly environment. We show respect for all members of our community and aim to be consistent in our approach to pupils/young people. We promote positive self-esteem in an inclusive environment that values everyone. We acknowledge that it is very important for us all to work together in achieving our aim of being fully inclusive and accessible and ultimately in providing quality learning experiences for our children and young people.

As a Lancashire Special School we would, as far as possible, avoid permanently excluding a pupil. It is our policy to work with the Local Authority when placement at the Loyne Specialist School no longer meets the needs of the pupil and a more appropriate provision is required. All steps to mitigate behaviours and / or safeguarding concerns will have been taken and the Local Authority and parents/carers will have been informed in a timely matter through the EHCP process (emergency reviews, MDT etc)

However, the school recognises that suspension of pupils/young people may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending a pupil/young person may also be required in instances where allowing the pupil/young person to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending pupils/young people should only be used as a means of last resort.

The school has created this policy to clearly define the legal responsibilities of the Headteacher, Governing Body and Local Authority (LA) when responding to pupil /young person suspension, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

This policy also aims to secure a pupil's/young person's right to an education despite having been suspended, by ensuring that appropriate arrangements are in place.

This policy operates in conjunction with the following school policies:

- Behaviour Policy
- Anti-Bullying Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Social, Emotional and Mental Health (SEMH) Policy
- Child Protection and Safeguarding Policy

1. Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Education and Inspections Act 2006
- Education Act 1996
- 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 European Convention on Human Rights (ECHR)
- Equality Act 2010

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2024) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2016) 'Behaviour and discipline in schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

2. Roles and responsibilities

The LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of Looked After Children (LAC).
- Arranging suitable full-time education for any pupil/young person of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing pupils'/young person's needs in consultation with their parents/carers where they have an EHCP (Education Health Care Plan) and are excluded permanently, with a view to identifying a new placement.
- Arranging for an independent review panel hearing to review the decision of the Governing Body not to reinstate a permanently excluded pupil/young person where required.
- Arranging the hearing without delay at a time, date and venue convenient for all parties.
- Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories.
- Appointing a clerk (if required) to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parent / carers, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

The Governing Body is responsible for:

- Providing information to the LA about any suspensions within the last 12 months.
- Monitoring the arrangements for full-time education for any pupil of compulsory school age suspended on a fixed-term basis.
- Considering parents'/ carers representations about suspensions within 15 school days of receiving notice if the appropriate requirements are met.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of pupils/young people.
- Considering the interests and circumstances of the suspended pupil/young person, including the circumstances in which they were suspended, and have due regard to the interests of others at the school.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to an exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil's/young person's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's/young person's parents / carers, the Headteacher and LA of its decision and the reasons for it, without delay.
- Where appropriate, informing parents / carers of where to apply for an independent review panel.
- Informing parents / carers of relevant sources of information.
- Ensuring a pupil's/young person name is removed from the school roll.
- Reconvening within 10 school days to reconsider reinstatement of a pupil/young person where directed to do so by the Independent Review Panel.

The clerk to the Governing Body in relation to suspensions is responsible for:

- Making reasonable efforts to inform the appropriate individuals that they are entitled to:
    - Make written representations to the panel.
    - Attend the hearing and make oral representations to the panel.
    - Be represented.
- Making reasonable efforts to circulate copies of relevant papers at least five school days before the review to all parties.
- Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel.

The Headteacher is responsible for:

- Promoting a whole school approach to positive behaviour to ensure all pupils/young people can benefit from the opportunities provided by education and to minimise potential suspensions.

- Applying the civil standard of proof when establishing the facts in relation to an suspension.
- Complying with their statutory duties in relation to pupils/young people with SEND when administering the suspension process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of challenging behaviour has occurred, e.g. if a pupil/young person has suffered bereavement, bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil/young person who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspension when used as a sanction, e.g. if a pupil/young person has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils/young people, particularly those eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents / carers in supporting the behaviour of pupils.
- Determining whether a pupil/young person will be suspended on disciplinary grounds.
- Withdrawing any suspensions that have not been reviewed by the Governing Body, where appropriate.
- Ensuring any decision to exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend a pupil/young person.
- Ensuring they have considered their legal duty of care when sending a pupil/young person home following a suspension.
- Making the decision to exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a pupil's/young person's parents/ carers without delay where the decision is taken to suspend the pupil/young person, including the days on which the parents / carers must ensure the pupil/young person is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Notifying a pupil's/young person's social worker and/or VSH (where applicable) where the decision is taken to suspend the pupil/young person.
- Ensuring that all information provided to parents /carers is clear and easily understood.
- Notifying the Governing Body and LA of their decision to exclude a pupil where appropriate, as well as the pupil's/young person's home authority if required.
- Notifying the Governing Body once per term of any suspensions not already notified.
- Organising suitable work for suspended pupils/young people where alternative provision cannot be arranged.

3. Grounds for suspension

The school will only suspend a pupil/young person where it is absolutely necessary as a last resort, and where all other possible sanctions, as detailed in the school's Behavioural Policy, have failed to be successful.

Suspensions will be used as follows:

a. Suspension from school whereby the pupil or young person is not permitted back into school for a fixed period of time; this will only be used in cases of significant challenging behaviours which are deemed intentional on the part of the pupil / young person, **examples include**:

- Aggression toward other school pupils/young people or staff;
- Any incident which poses a risk to other pupils/young people or members of staff, e.g. bringing a weapon onto the premises;
- Any incident which breaches the law
- Persistent and severe bullying
- Persistent verbal and physical abuse
- Persistent serious disruption to the learning of others and the safety of the school environment;
- A single, serious and major incident, e.g. serious assault on another individual leading to injury;
- Serious damage to school property or that of pupils/young people, students, staff and visitors;

It is possible that a young person may be suspended as a last resort whilst resources are put in place to provide appropriate support to make that person and other members of the school community safe from harm and free to learn. In this case it is possible that the young person may not, due to their learning difficulty or disability, fully understand the context and implications of their behaviour. In all such cases the decision to suspend a young person will only be made by the Headteacher. In their absence a Deputy Head will take the decision. On these occasions, suspensions will invariably be for one or two days.

In all cases of suspensions, the Local Authority and parents or carers will be informed immediately and where relevant a young person's social worker / advocate will be involved. Parents / carers have the right to make representations to the Governing Body about a suspension and the Governing Body must review the suspension and in the case of permanent exclusions have a right of appeal.

Pupils/Young persons can be suspended for one or more fixed periods (up to a maximum of up to 45 school days) within a single academic year, or excluded permanently. Similarly, pupils/young persons can be permanently excluded following a suspension, where further evidence is presented. In all cases, the Headteacher will decide which suspension period a pupil will be subject to, depending on what the circumstances warrant.

The school has the power to direct a pupil/young person off-site to improve their behaviour.

4. The Headteacher's Power to Suspend

Only the Headteacher has the power to suspend a pupil / young person from the school, and is able to decide whether this is on a fixed-period or permanent basis. All suspensions will only be issued on disciplinary grounds.

The Headteacher is able to suspend pupils/ young people from the premises where their behaviour is persistently disruptive. This includes during periods of time when they are not in the classroom, e.g. during lunchtime. All lunchtime suspension will be counted as half of a school day. The Headteacher is also able to consider a pupil's / young person's disruptive behaviour outside of the school premises as grounds for suspension~~,~~ in accordance with the school's Behaviour Policy.

When sending a pupil / young person home following any suspension, the Headteacher will ensure that they exercise their duty of care at all times, always informing the parent's/carers and asking for their child to be collected by them from the school premises.

Any decision made to suspend a pupil/young person will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and the school's wider legal duties. At all times, the Headteacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, and will not increase the severity of a pupil's / young person's suspension on these grounds.

The Headteacher will apply the civil standard of proof when responding to the facts relating to a suspension, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The Headteacher may withdraw any suspension that has not already been reviewed by the Governing Body. The Headteacher must notify parents/carers, the Governing Body and the LA social worker and/or VSH (as applicable), without delay including the reason for the withdrawal of the suspension. The Governing Body's duty to reconsider reinstatement ceases and there is no requirement to hold a meeting. The pupil must be allowed back into the school without delay. A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in an academic year or they will have been so by the time the cancellation takes effect.

The Headteacher will not issue any 'informal' or 'unofficial' exclusions, e.g. sending a pupil/young person home to 'cool-off', regardless of whether or not the parents / carers have agreed to this. The Headteacher will not use the threat of suspension as a means of instructing parents / carers to remove their child from the premises.

All suspensions will be formally recorded on CPOMS.

5. Factors to Consider when Suspending a Pupil / Young Person

When considering the suspension of a pupil/young person, the Headteacher will:

- Allow the pupil/young person the opportunity to present their case (where they are deemed to have mental capacity).
- Take into account any contributing factors that are identified after a case of challenging behaviour has occurred, e.g. if the pupil's/young person's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the pupil/young person has received multiple suspensions or is approaching the legal limit of 45 excluded days per school year, and whether suspension is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils / young persons who demonstrate consistently poor behaviour.

The Headteacher will consider what extra support may be available for vulnerable pupil groups whose suspension rates are higher, to reduce their risk of suspension, including the following:

- LAC
- Pupils eligible for FSM
- Certain ethnic groups

Where serious ongoing concerns regarding behaviour are raised, a multi-agency assessment may be required to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities, the outcome of which would be documented on CPOMS and in the pupil's positive behaviour support plan.

The Headteacher will work in conjunction with the parents / carers of any pupil / young person with additional needs to establish the most effective support mechanisms.

6. Duty to Inform Parents / Carers

Following the Headteacher's decision to suspend a pupil / young person, they will immediately inform the parents / carer, in person or by telephone, of the period of the suspension and the reasons behind this. In addition, if a pupil has a social worker or is a looked after pupil, the headteacher must also without delay after their decision, notify the social worker and/or VSH as applicable.

The Headteacher will inform the parents/carers in writing (electronically if written permission has been received from the parents / carers for notices to be sent this way) of the following:

- The reason(s) for the suspension
- The length of the suspension
- Their right to raise any representations about the suspension to the Governing Body, including how the pupil / young person will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the Governing Body to consider the suspension and the fact that they are able to bring an accompanying individual

- The arrangements that have been made for the pupil / young person to continue their education prior to the organisation of any alternative provision, or the pupil's / young person's return to school
- Relevant sources of free, impartial information

Where the pupil / young person is of compulsory school age, the Headteacher will inform the parents / carers by the end of the afternoon session that for the first five days of the suspension (or until the start date of any alternative provision or the end of the suspension where this is earlier), parents / carers are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents / carers may receive a penalty fine if they fail to do so.

Due to the nature of special needs of our pupils, alternative provision is not an option.

The law does not allow for extending a suspension or converting a suspension to a permanent exclusion. In exceptional circumstances, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension ends. If the Headteacher has decided to suspend the pupil / young person for a further fixed period following their original suspension, they will notify the parents / carers without delay and issue a new suspension notice to parents / carers.

7. Duty to Inform the Governing Body and Local Authority

The Headteacher will inform the LA, without delay, of any suspension of a pupil regardless of the length of the suspension. The Headteacher will inform the Governing Body of any suspensions which would result in the pupil / young person being suspended for more than five school days in a term (or more than 10 lunchtimes) without delay.

For any suspensions, other than those above, the Headteacher will notify the Chair of the Governing Body once per term. All notifications to the Governing Body and LA will include the reasons for suspension and the duration of any suspension.

If the pupil/ young person who is suspended lives outside the LA in which the school is located, the Headteacher will notify the pupil's / young person's 'home authority'.

8. Arranging Education for Suspended Pupils / Young People

Due to the SEND of our young people, suitable full-time education cannot be arranged. Work will be arranged and sent home if parents/carers feel that this is something their child would benefit from or engage in.

9. Considering Suspensions

The Governing Body will consider any representations made by parents / carers regarding suspensions.

Parents / carers and, where requested, a friend or representative, the Headteacher, and a member of the LA will be invited to attend any consideration of suspensions and will be able to make representations. Any meeting to consider reinstatement of a pupil / young person will

be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

The Governing Body will consider the reinstatement of a suspended pupil / young person, where:

- The suspension would bring the pupil's / young person's total number of suspended school days to more than 15 in any given term.

In the case of a suspension where the pupil's / young person's total number of suspended days is more than 5 but less than 15 school days within a term, if requested by the parents / carers, the Governing Body will consider suspensions within 50 school days of receiving notification.

In the case of a suspension, where the pupil's / young person's total number of suspended school days does not amount to more than five, in the absence of any such representations, the Governing Body is not required to meet and cannot direct the reinstatement of the pupil / young person.

When considering the reinstatement of a suspended pupil / young person, the Governing Body will:

- Only discuss the suspension with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow pupils / young people and parents / carers to be accompanied by a person of their choice to the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting. Parents/carers have the right to make a request to hold the meeting via the use of remote access.
- Identify the steps needed to enable and encourage the excluded pupil / young person to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the excluded pupil / young person, including the grounds for suspension.

10. Reaching a decision

After considering suspensions, the Governing Body will either:

- Decline to reinstate the pupil / young person.
- Direct the reinstatement of the pupil / young person immediately, or on a specified date.

If reinstatement would make no practical difference, e.g. if the pupil / young person has already returned to school following a suspension or the parents / carers make clear they do not want their child reinstated, the Governing Body will still consider whether the pupil / young person

should be officially reinstated, and whether the Headteacher's decision to suspend the pupil / young person was fair, lawful and proportionate, based on the evidence presented.

The Governing Board Body will apply the civil standard of proof when responding to the acts relating to a suspension, i.e. that on the 'balance of probabilities' it is more likely than not that the facts are true.

To reach a decision, the Governing Body will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the suspension of the pupil / young person was lawful, proportionate and fair, taking into account the Headteacher's legal duties and any evidence that was presented to the Governing Body in relation to the decision to suspend.
- Record the outcome of the decision on the pupil's / young person records, along with copies, which will be kept for at least six months.
- Make a note of their findings, where they have considered a suspension but cannot reinstate the pupil.

11. Notification of Considered Suspensions

The Governing Body will notify the parents / carers of the suspended pupil / young person, the Headteacher and the LA of their decision following the consideration of a suspension, in writing and within 24 hours.

The Governing Body will also notify parents / carers that, if they believe a suspension has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

After any conclusion, the Governing Body will notify the parents / carers, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

12. Criminal Investigations

The Headteacher will not postpone taking a decision to suspend a pupil/ young person due to a police investigation being underway, or any criminal proceedings that are in place.

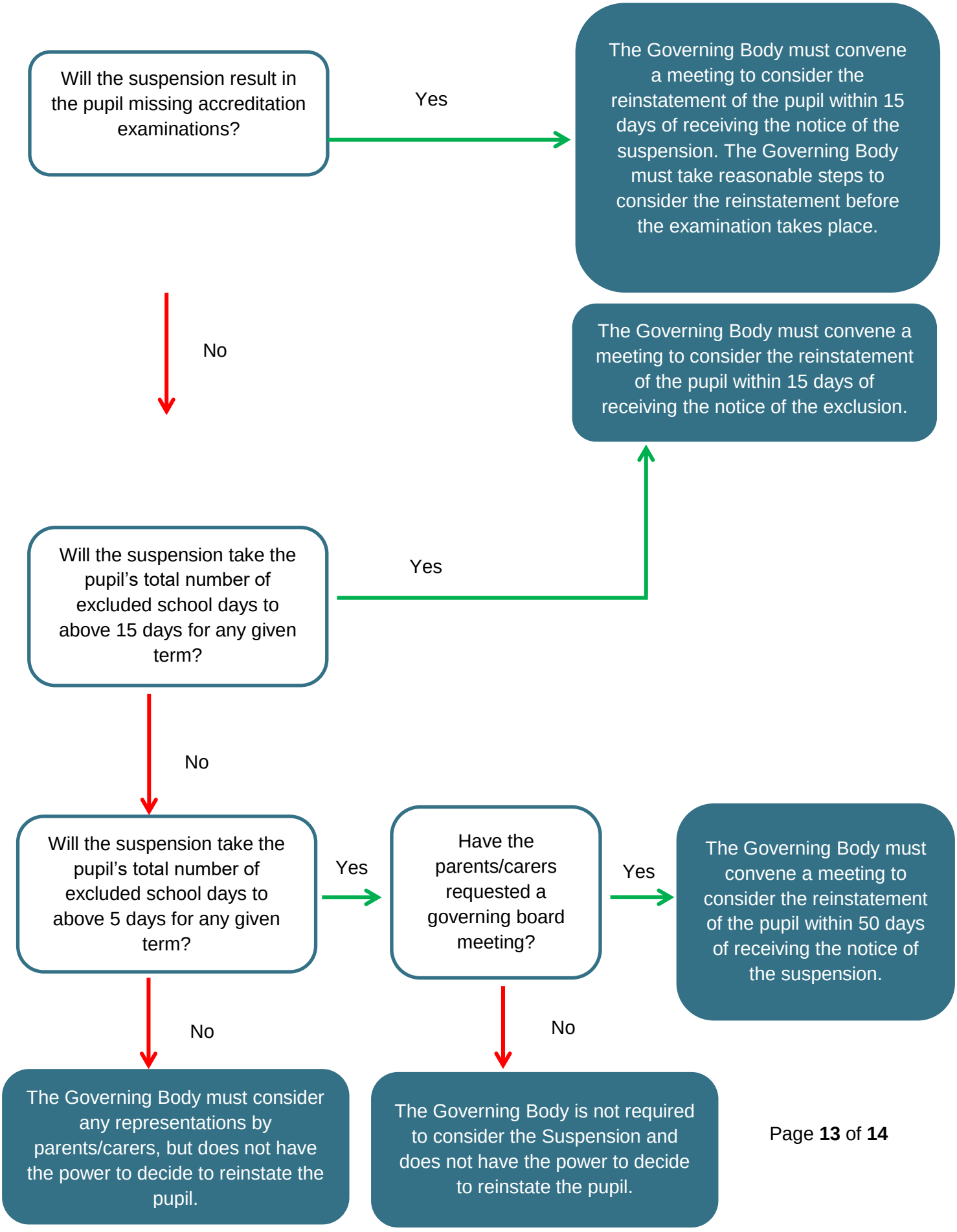
Particular consideration will be given by the Headteacher when deciding to suspend a pupil/ young person where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the Governing Body is required to consider the Headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

13. Monitoring and Review

This policy will be reviewed biannually by the Headteacher in conjunction with the Governing Body.

Appendix a: Reviewing the Headteacher's Exclusion Decision



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