



**CASTLEFORD
PARK JUNIOR ACADEMY**

Suspension and Exclusion Policy

**Castleford Park Junior Academy
Date Feb 2023**

Review Date: Feb 2024

CPJA Exclusions & Suspensions Policy

Written in accordance with the DFE exclusions guidance – September 2022

Rationale

As written in our relationships policy, we believe every pupil has the right to an educational experience where good discipline is prioritised and schools are calm, safe environments- this will allow all pupils to benefit from the opportunities afforded by a good education. Our Academy believes in positive reinforcement of commendable behaviour and attitudes at all times before individual intervention but also recognises that discipline is an important part of managing behaviour and ensuring that children understand that their actions always have consequences. This helps prepare them for the wider world and also builds moral and empathetic citizens who will have a positive impact on their community in the future. Suspension and exclusion procedures are used where it is important that the pupil, or pupils, understand that their behaviour has become completely unacceptable and that this must be acknowledged in order to work towards putting this right in the future – including where the wellbeing of other members of the school community is seriously compromised.

Aims

- Where other actions could be taken before suspension, these will always be explored with the pupil involved and their parents – disruptive or dangerous behaviour can often be a sign of unmet need and we would endeavour to support the pupil to make positive and lasting change to their attitudes and behaviours which may involve seeking further guidance from appropriate services to support the pupil more effectively. This may include off-site direction, or a managed move
- Our school believes in promoting care and respect for each other at all times and where there has been a serious breach of these beliefs, suspension, or exclusion may be used
- We believe our pupils must learn to understand that every action has a consequence and be able to use self-control in difficult situations in order to equip them with and teach them the skills that they will find useful later in life. In our Academy, we have made many reasonable adjustments to our available resources and breakout spaces, in order to support our pupils to take control of managing their emotions effectively
- Decisions to suspend, or exclude a pupil will always be lawfully and fairly executed – All pupils are treated equally and indiscriminately when considering appropriate consequences – although reasonable adjustments will be made in the case of pupils who are disabled or have Special Educational Needs when considering what is a fair and proportionate response. Only the Headteacher will suspend, or permanently exclude a pupil on disciplinary grounds
- After consultation with the Local Authority, consideration of ‘off-site direction’ may be used to support a pupil in making positive changes to their behaviour and attitudes, which could prevent an escalation to suspension and permanent exclusion -the Governing Body will hold in regular review any such arrangements in place, at a meeting where parents would also be invited to give their views
- A ‘managed move’ may also be used if in the pupils’ best interests and agreed by parents and carers and the Local Authority, as part of a planned intervention to support a pupil

What behaviour would warrant a fixed term suspension?

- Our Academy takes a no tolerance approach to bullying, racism/other derogatory name-calling and wilful violence of any kind – such actions would invariably result in an suspension in order to send an important message to that pupil -and others – regarding the kind of behaviour that is unacceptable
- If a pupil persistently breaks our Academy behaviour agreement, or carries out actions that could seriously harm the welfare of themselves or others, they can be suspended
- If pupil behaviour is particularly disruptive at lunchtime, they may be given a lunchtime suspension in order to protect their safety and the safety of others – until appropriate reasonable adjustments can be made that will improve the situation
- Behaviour that happens outside of school can, in some cases, also be grounds for suspension e.g. If committing an offence whilst wearing school uniform, or carrying out cyber bullying or bullying of any kind
- If a pupil is persistently disruptive, to a level that challenges the order and safety of the school, they may be suspended

Procedures

- If the Headteacher takes the decision that a child should be suspended, after detailed investigation and consideration, the following will take place:

- The Parent/Carer will be contacted without delay and informed of the decision and an immediate meeting will be requested so that they have an opportunity to ask questions or raise concerns directly with the Headteacher
 - The Parent/Carer will be involved in considering the appropriate consequence, if this is appropriate
 - The child will work in 'Reflect' under supervision until their parent/carer arrives
 - The child will always have an opportunity to give their view when appropriate – either after time to calm down, or at a later meeting if this is needed
 - Statements will be taken from all staff and pupils involved, in order to gain a fair and balanced view of events before final decisions are made regarding length/severity of suspension
 - The Headteacher will conduct a meeting with parents to outline their reasoning, the length of suspension and the reintegration process after this point
 - If appropriate, the child will also be invited to attend
 - The Headteacher is able to apply the civil standard of proof and consider 'on the balance of probabilities' whether the actions the pupil has taken has definitely taken place as reported and then will subsequently decide the length of suspension as a result of this
 - A formal letter will also be sent to parents/carers outlining: the reason for suspension, the fixed period of suspension (or whether it is permanent), that the parent has a right to make representation to an Independent Review Panel if they wish to, how any such representations should be made and that parents are allowed to attend any meeting of the Governing Body to consider exclusion where this might take place (and to bring a friend if they choose to)
 - The Local Authority will also be informed with minimum delay, following its procedures for reporting
 - Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period suspension or permanent exclusion, parents can also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) for disability discrimination, or the County Court for other forms of discrimination
 - The formal letter will also remind the parent/carer that they are legally obliged to ensure their child is not present in a public place during Academy hours without reasonable justification and if this does occur, they could incur a fixed penalty notice for this
 - Our Academy will also take steps to set and provide work for the pupil during their first five days of suspension
 - A reintegration meeting will take place at the beginning of the pupil's first day back at school after suspension and parents are expected to attend this, in order to agree a plan for success for the pupil
- In January 2015, the Department amended regulations to clarify that a governing board's duty to arrange education from the sixth day of a fixed-period exclusion is triggered by consecutive fixed-period suspension totalling more than five days.
- If alternative provision is being provided (which must happen if the pupil is suspended for more than five days, or from the sixth day of any fixed period of suspension), parents will be informed of the following:
 - The start date of any provision of full-time education that has been arranged during the suspension (this should begin no later than the sixth day of suspension)
 - The start and finish times of any such provision (including morning and afternoon sessions where relevant)
 - The address where the provision will take place
 - Any information required by the pupil to identify the person he/she should report to on the first day
- Reintegration procedures:
 - After suspension, a reintegration meeting will take place including the pupil and parent/carer, the Headteacher and class teacher/SENCO where appropriate
 - The pupil will be offered a fresh start, will be reminded of their value in our community and will be supported to consider the impact of their actions on themselves and others, as well as considering the academic impact
 - The pupil will be asked for their views regarding their actions; and a plan of action will be created by the Headteacher, any key adult who works with the pupil, the pupil themselves and their parent/carer to support the pupil in making positive changes to their behaviour and attitude to learning.
 - The Headteacher may also offer a specific strategy, or provision of support to help reintegrate the pupil fully and ensure that they are given relevant skills needed to ensure the suspension will not recur

- The Headteacher can also choose to reverse a suspension if additional information comes to light which may have been a contributing factor to the behaviour that caused it take place e.g. The pupil has suffered a bereavement or has mental health issues

Considering reinstatement

- An independent review panel does not have the power to direct a governing board to reinstate a suspended pupil. However, where a panel decides that a governing board's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing board to reconsider its decision. The panel will then be expected to order that the school must make an additional payment of £4,000 if it does not offer to reinstate the pupil.
- Whether or not a school recognises a pupil as having SEN, all parents have the right to request the presence of an SEN expert at a review meeting. The SEN expert's role is to advise the review panel, orally or in writing or both, impartially, of the relevance of SEN in the context and circumstances of the review. For example, they may advise whether the school acted reasonably in relation to its legal duties when excluding the pupil.
- The Pupil Discipline Committee of the Governing Body will become involved when:
 - A permanent exclusion is made (including where a fixed period suspension becomes permanent)
 - Where suspensions happen that would result in the pupil being absent from school for more than five school days (or ten lunchtimes) in a term
 - Where suspensions happen that would result in a pupil missing a national curriculum test
- All suspensions are formally recorded and reported to the Local Authority. They are also reported to the Governing Body once a term – including why they have occurred and the duration
- If requested, the Governing Body must be prepared to provide evidence and details of suspensions that have taken place in the last twelve months to the Local Authority, or Secretary of State
- If a pupil is nearing their limit of 45 days of suspension per year, it must be taken into consideration whether this course of action is an effective sanction for this pupil
- If an Independent Review Panel decides that the Governing Body must reconsider reinstatement, then this will happen within ten days, following the statutory guidance given

What behaviour would result in a Permanent Exclusion?

- Permanent exclusion is a very last resort – as a result of very serious breach of the Academy's relationships policy, or where persistent breaches of the policy have occurred
- As outlined in the guidance, Headteachers of maintained schools and pupil referral units must determine measures to be taken with a view to:
 - Promoting, among pupils, self-discipline, and proper regard for authority
 - Encouraging good behaviour and respect for others on the part of the pupils and in, particular, preventing all forms of bullying amongst pupils
 - Securing that the standard of behaviour of pupils is acceptable
 - Securing that pupils complete any tasks reasonably assigned to them in connection with their education
 - And otherwise regulating the conduct of pupils

Permanent exclusions can be used to help achieve these aims when they are absolutely necessary, as a last resort.

- Permanent exclusion would result after a decision taken by the Headteacher and the 'Pupil Discipline Committee' of the Governing Body where it is felt that allowing a pupil to remain in the Academy seriously harms the education, or welfare, of other pupils or staff
- The pupil and parent would also have the opportunity to present their case against permanent exclusion if this were appropriate to an independent review panel
- The Governing Body Panel convened are committed to asking challenging questions of the Headteacher during this process to ensure that the Academy's decision is robust and proportionate. They will have no bias or conflict of interest. They may ask:
 - On the balance of probabilities, did the pupil do what they are accused of?
 - Is the Head's decision in line with our Academy behaviour and discipline policy?
 - Is the Head's decision in line with DFE Guidance? Is it lawful, rational, reasonable, fair and proportionate?
 - Is the Head's decision consistent with the evidence?
 - Have similar offences in school been dealt with in the same way?
 - Has sufficient time been given to looking at underlying and unmet need?

- What strategies have been tried to support this pupil and have they been effective?
- What support services have been involved? What have been the timescales and what action was taken as a result of this?
- What work was sent home and how did this contribute to keeping the child on track?
- Where it is becoming more likely that a child with SEN, or from a particularly vulnerable group may need to be permanently excluded, our Academy will contact the appropriate services in the Local Authority to request further guidance and support to provide for the pupil effectively; or to request consideration of whether our Academy has the right resources to provide for the child – an early annual review may be called where it is considered that the pupil may need additional support that a main stream school cannot provide
- When a child is permanently excluded, the Local Authority must provide suitable full-time education for the pupil no later than the sixth day of exclusion. Where a pupil also has an EHCP, parents must be consulted as they have the right to request a specific school
- Where notification has been made to parents/carers that their child is permanently excluded, the Headteacher will remove the pupil's name from their attendance register after 15 days (where there has been no application made for independent review)
- If an application for independent review is made, the pupil remains on roll until a decision is reached
- The Academy Trust are obligated to establish an independent review panel where this is requested, following the instructions given in Section 8 of DFE Statutory guidance within the legal time frame of 15 days after the exclusion
- If the panel directs the Governing body to reconvene and reconsider their decision, they must do so within 10 days. They do not have to change their decision if they feel it is still the right one.

Parents are within their rights to seek guidance where they feel they need to and could use the following guidance to support them with this:

- The statutory guidance on suspension and exclusion which is updated periodically
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101498/Suspension and Permanent Exclusion from maintained schools academies and pupil referral units in England including pupil movement.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101498/Suspension_and_Permanent_Exclusion_from_maintained_schools_academies_and_pupil_referral_units_in_England_including_pupil_movement.pdf)
- Wakefield SENDIAS service: <https://www.family-action.org.uk/what-we-do/children-families/wesail/>
- The Coram Children's Legal Centre: www.childrenslegalcentre.com 08088 020 008
- Parent Partnership Services: www.parentpartnership.org.uk
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

Equality act 2010 and Children and Families Act 2014

- 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 substantial disadvantage

This means that it is school's responsibility to ensure that:

- discrimination, harassment and victimisation are eliminated between pupils – which could result in suspension/exclusion measures being used
- Academy staff are able to advance equality of opportunity and foster good relations between people who share a relevant protected characteristic and those who do not
- Reasonable adjustments are made which take into account a pupils' SEND need when considering whether a suspension or exclusion is appropriate, or to prevent such behaviour which may warrant a suspension from happening again; measured against the rights to safety and respect of school staff and other pupils

Guidance for governing boards on using data on suspensions and permanent exclusions

106. Governing boards should already be challenging and evaluating what their school's data is telling them about their school or academy trust. Boards should carefully consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure the sanction is only used when necessary, as a last resort.

107. Governing boards should review suspensions and permanent exclusions, those taken off roll and those on roll but attending education off-site. It is important to consider both the cost implications of directing children to be educated off-site in AP and whether there are any patterns to the reasons or timing of moves. For example, if high numbers of children with SEND are moving, the school, academy or trust may wish to consider reviewing its SEN support.

108. Multi-academy trusts (MATs) may also choose to work with their academies to consider this information, and whether there are patterns across academies within a MAT, recognising that numbers in any one academy are often too low to allow for meaningful statistical analysis.

109. Governing boards should consider:

- effectiveness and consistency in implementing the school's behaviour policy
- the school register and absence codes
- instances where pupils receive repeat suspensions
- interventions in place to support pupils at risk of suspension or permanent exclusion
- any variations in the rolling average of permanent exclusions to understand why this is happening, and to ensure they are only used when necessary
- timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- understanding the characteristics of excluded pupils, and why this is taking place
- whether the placements of pupils directed off-site into AP are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- Further information can be found here: [Understanding your data: a guide for school governors and academy trustees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/understanding-your-data-a-guide-for-school-governors-and-academy-trustees)

A summary of the governing board's duties to review the headteacher's exclusion decision

Conditions of exclusion

Governing board duties

Does the exclusion meet any of the following conditions?

- It is a permanent exclusion
- It is a suspension that alone, or in conjunction with previous suspensions, will take the pupil's total number of days out of school above 15 for a term
- It is a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test*

↓ Yes

The governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension or permanent exclusion.⁴⁹

*If the pupil will miss a public exam or national curriculum test, the governing board must take reasonable steps to meet **before** the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.⁵⁰

↓ No

Will the suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?

↓ No

The governing board must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil.

Yes

Have the pupil's parents requested a governing board meeting?

↓ Yes

The governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

↓ No

The governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

Step by step support regarding the Governing Body duties, systems and procedures can be found in the suspension and permanent exclusion guidance, including the Governing body's duty to consider reinstatement: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101498/Suspension_and_Permanent_Exclusion_from_maintained_schools_academies_and_pupil_referral_units_in_England_including_pupil_movement.pdf

Part thirteen: Statutory guidance to the headteacher, governing board and independent review panel members on police involvement and parallel criminal proceedings

Police involvement and parallel criminal proceedings against a pupil may affect how the exclusion and its review process are conducted, although they must always remain lawful, reasonable, and procedurally fair. This section offers guidance to headteachers, governing boards, and IRP when this is the case.

Guidance for headteachers, governing boards and independent review panels on police involvement and parallel criminal proceedings

258. The headteacher need not postpone taking a decision on a suspension and permanent exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the headteacher will need to take a decision on the evidence available to them at the time. Please see paragraphs 22 and 25 in this guidance. In all cases, schools should follow general safeguarding principles as found in [Keeping children safe in education 2021 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/441222/Keeping-children-safe-in-education-2021.pdf).
259. Where the evidence is limited by a police investigation or criminal proceedings, the headteacher should consider any additional steps they may need to take to ensure that the decision to suspend or permanently exclude is fair. However, the final decision on whether to suspend or permanently exclude is for the headteacher to make.
260. Where the governing board is required to consider a reinstatement in these circumstances, it cannot postpone its meeting and must decide whether or not to reinstate the pupil on the evidence available.
261. The fact that parallel criminal proceedings are in progress should also not directly determine whether an IRP should be adjourned. Relevant factors for the panel to consider will include:
- whether any charge has been brought against the pupil and, if so, what the charge is;
 - whether relevant witnesses and documents are available;
 - the likely length of delay if the hearing were adjourned and the effect it may have on the suspended or permanently excluded pupil, the parents, any victim, or the school; and
 - whether an adjournment or declining to adjourn might result in injustice.
262. Where a panel decides to adjourn, the clerk (or local authority/academy trust where a clerk is not appointed) should monitor the progress of any police investigation and/or criminal proceedings and reconvene the panel at the earliest opportunity. If necessary, the panel may adjourn more than once (in line with the requirements summarised in paragraph 213).

Monitoring and Review:

Update Feb 2023

Date of Review: Feb 2024

Signed 
Miss K. Law Headteacher

Date: February 2023

Signed 

Date: February 2023

Mrs T Sycamore Chair of Governors