



HOLY TRINITY
Church of England Academy
Brockley Avenue, South Shields, Tyne and Wear NE34 0TS

Suspension Procedure

Here in Holy Trinity CE Academy we value all members of our school community as learners, nurturing and empowering them to become the best they can possibly be.

'Growing and Learning Together in Love'

**As in the example of our Lord Jesus Christ
'Love one another as I have loved you'
John 13:34**

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1. Introduction

Good discipline is essential to ensure that all pupils can benefit from the opportunities provided by education. The school's behaviour policy outlines expectations and key strategies for promoting good behaviour. The Government supports headteachers in using suspension as a sanction where it is warranted. However, suspension should only be used as a last resort, in response to a serious breach, or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

This Suspension policy is implemented in line with guidance from the Department for Education (DfE). Key Guidance and regulations:

- Suspension from maintained schools, Academies and pupil referral units in England - A guide for those with legal responsibilities in relation to suspension (DfE September 2022)
- The School Discipline (Pupil Suspensions and Reviews) (England) Regulations 2012

2. Purpose of this Policy

This policy is designed to briefly outline the school's approach to suspensions within the statutory framework as defined in the *The School Discipline (Pupil Suspensions and Reviews) (England) Regulations 2022*. It outlines only where the school applies its own additional guidance and policies, which complement and reinforce the statutory guidance, for purposes of clarity in the day-to-day operation of the school.

3. Principles

Suspension and suspensions are a sanction used by the school only in cases deemed as serious breaches of the School Behaviour Policy. A pupil may be at risk of suspension from school for:

- Verbal or physical assault of a student or adult;
- Persistent and repetitive disruption of lessons and other students' learning;
- Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.

A suspension from the school can only be authorised by the Headteacher or the Assistant Headteacher who is acting on behalf. If neither are available to authorise the suspension a decision should be deferred until the opportunity for authorisation is available.

In the case of a Permanent Suspension this can only be authorised by the Headteacher and must only be done after consulting the Chair of Governors of the intention to impose this sanction, although the final decision rests with the Headteacher of the school.

4. Suspension or Permanent Suspension

Suspension: These suspensions are usually for a short period and include lunchtime suspensions. The pupil returns after the suspension period has expired. In cases of more than a day's suspension, work should be set and marked. The law allows head teachers to exclude a pupil for up to 45 school days in any school year.

Permanent suspension: This means the pupil cannot return to the school unless reinstated. If a pupil is permanently excluded from any school, the Local Authority (LA) has the duty to provide other suitable education. This may be a place in another school, a place in the local special educational unit (Pupil Referral Unit or PRU for short), or the LA may provide home or individual tuition.

5. The Decision to Exclude

Suspensions- Suspensions will be used sparingly and only if there are serious breaches of the schools behaviour policy or civil law; or if allowing the pupil to remain in school would be seriously detrimental to the education or welfare of the pupil or others. Fixed Period suspensions may not exceed 45 days in any one year.

Persistent poor behaviour at lunchtime may result in a fixed period suspension which covers the lunchtime break. This will constitute a half day suspension. This is subject to the normal rights of appeal.

Permanent Suspension - The Head teacher holds responsibility for taking the decision to permanently exclude a pupil. However in the absence of the Head teacher the Assistant Headteacher or other senior teacher in charge may exclude a pupil for a fixed period. Permanent suspension is used as a last resort, when all other reasonable steps have been taken.

A pupil may, in extreme cases, be permanently excluded following a serious 'one off' breach of the school's behaviour policy. At Holy Trinity CE Academy this could apply in the event of serious or threatened violence against a pupil or member of staff.

The decision to exclude a pupil must be lawful, reasonable and fair. Care is taken not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Particular consideration is given to the fair treatment of pupils from groups who are vulnerable to suspension.

6. Procedures for Suspension

Following the decision to exclude a pupil, the Head teacher must:

- Inform the child's parents or guardians their child has been excluded, the type and length of the suspension and the reasons for it
- Inform the parents in writing of their right to appeal to the Governing Body and to ask for an independent review panel to meet
- A model letter is used for this purpose (Appendix A)
- Inform the Local Authority the same day of the suspension followed up by more detailed information as a matter of urgency. Children who are excluded who have the involvement of a Social Worker or the Virtual Headteacher these professionals must be informed immediately.
- Provide systems for work to be set for the child to undertake at home during a fixed suspension

Procedures for permanent suspension: Action by the Governing Body

The Governing Body will nominate a pool of three to five governors, none of whom may be a member of staff, to serve as the Discipline Committee as the need arises. A clerk to the Discipline Committee will also be nominated. The quorum for the Committee is three members.

If the parents give notice that they wish to make representations, the governing body should arrange a meeting to discuss the suspension as soon as is practicable. The governing body should advise parents and pupils that they may, if they wish, have someone of their own choice to accompany them and assist them at the meeting.

The meeting should serve for the purpose of enabling the parents to have their views heard and for the parents to hear the views of the school.

The decision of the meeting and the reason for the decision should be clearly communicated to the parents without delay.

7. Appeals Process

If your child is excluded you have the right to make representations to the school's Governing Body. If the Governing Body uphold a permanent suspension, you have the right to appeal to an Independent Review Panel.

Independent Review Panel

In all cases the LA is responsible for constituting an Independent Review Panel, but the panel itself is independent in law. The decision of the panel is binding and can be challenged only by judicial review (all parties) or by complaining to the Local Government Ombudsman (parents only). Parents may wish to appeal against decisions made on areas such as admissions and suspensions.

8. Notification of an Suspension

Parents will be notified as soon as possible of the decision to exclude a student and the reason for the suspension. This will be done on the day of the suspension being authorised by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the suspension will be sent to parents the same day.

In the case of a Permanent Suspension parents will be notified by the Headteacher in a face- to-face meeting.

A student who has been excluded will have the reason for his/her suspension explained to them by a member of staff so that they understand the nature of their misbehaviour. The school will also work to put in place a programme for the pupil on his/her return. This will include input from staff at the school, parents, if appropriate, and any other appropriate bodies e.g. School Home Support Practitioner, Attendance Service or the Local Authority. Should it be decided for whatever reason that the matter needs to be put in the hands of another agency i.e. the incident leads to the discovery that there is a child protection issue, the school will continue to monitor the situation and work closely with that agency. It is hoped that in most cases following an suspension, the child will be able to return to school and that further input will promote in him/her a more positive attitude and a subsequent improvement in behaviour.

The Chair of Governors, LA Inclusion Officer and relevant school staff will be notified of all Fixed Term Suspensions the same day of the production of the suspension letter, which they will receive a copy of; it will clearly outline the reasons for the suspension.

9. Students Returning from a Fixed Term Suspension

1) All students returning from a Fixed Term Suspension are required to attend a reintegration meeting, accompanied by a parent. This meeting will seek to establish practical ways in which further suspension can be avoided and behaviour modified to acceptable standards in partnership between student, parent and school.

10. Permanent Suspensions

A school will usually only permanently exclude a child as a last resort, after trying to improve the child's behaviour through other means. However, there are exceptional circumstances in which a headteacher may decide to permanently exclude a pupil because of ongoing issues or even for a 'one-off' incident.

If your child has been permanently excluded, be aware that:

- the school's governing body is required to review the headteacher's decision and you may meet with them to explain your views on the suspension
- if the governing body confirms the suspension, you can appeal to an independent appeal panel organised by the local authority
- the school must explain in a letter how to lodge an appeal
- the local authority must provide full-time education from the sixth day of a permanent suspension

MODEL LETTER SUSPENSION UP TO FIVE DAYS

NAME OF PARENTS OR GUARDIANS
ADDRESS

Date:
Our Ref:
Your Ref:

From head teacher (or teacher in charge of a PRU) notifying parent of a fixed period suspension of 5 school days or fewer in one term, and where a public examination is not missed

Dear [Parent's name]

I am writing to inform you of my decision to suspend [Child's Name] for a fixed period of [specify period]. This means that he/she will not be allowed in school for this period. The suspension begins/began on [date] and ends on [date].

I realise that this suspension 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 excluded for this fixed period because [reason for suspension].

[for pupils of compulsory school age]

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on [specify dates] unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for [Child's Name] during the [first 5 or specify other number as appropriate] school days of his [or her] suspension [specify the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

[School/PRU]

You have the right to make representations about this decision to the governing body/management committee. If you wish to make representations please contact [Name of Contact] on/at [contact details – address, phone number, email], as soon as possible. Whilst the governing body/management committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<https://www.gov.uk/special-educational-needs-disability-tribunal/overview>).

MODEL LETTER SUSPENSION FIVE TO FIFTEEN DAYS

NAME OF PARENTS OR GUARDIANS

Date:

ADDRESS

Our Ref:

Your Ref:

From head teacher (or teacher in charge of a PRU) notifying parent(s) of a pupil of that pupil's fixed period suspension of more than 5 school days (up to and including 15 school days) in a term.

Dear [Parent's name]

[CHILDS NAME]

[DOB]

I am writing to inform you of my decision to exclude [Child's Name] for a fixed period of [specify period]. This means that [Child's Name] will not be allowed in school for this period. The suspension start date is [date] and the end date is [date]. Your child should return to school on [date].

I realise that this suspension may well be upsetting for you and your family, but my decision to exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded for this fixed period because [specify reasons for suspension].

[for pupils of compulsory school age - next 3 paragraphs]

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days [or specify dates if suspension is for fewer than 5 days] of this suspension, that is on [specify dates]. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

We will set work for [Child's Name] during the [first 5 or specify other number as appropriate] school days of his [or her] suspension [specify the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

[if the individual suspension is for more than 5 days]

From the [6th school day of the pupil's suspension [specify date] until the expiry of his suspension we [For PRUs the local authority] - set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.] will provide suitable full-time education. On [date] he should attend at [give name and address of the alternative provider if not the home school] at [specify the time — this may not be identical to the start time of the home school] and report to [staff member's name]. [If applicable — say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter].

[School/PRU] You have the right to request a meeting of the school's discipline committee/PRU's management committee to whom you may make representations, and my decision to exclude can be reviewed. As the period of this suspension is more than 5 school days in a term the discipline committee/management committee must meet if you request it to do so. The latest date by which the

discipline committee/management committee must meet, if you request a meeting, is **[specify date — no later than the 50th school day after the date on which the discipline committee were notified of this suspension]**. If you do wish to make representations to the discipline committee/management committee, and wish to be accompanied by a friend or representative, please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<https://www.gov.uk/special-educational-needs-disability-tribunal/overview>). Making a claim would not affect your right to make representations to the discipline committee.

[not mandatory for fixed period suspensions of five days or fewer of secondary aged pupils]

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Failure to attend a reintegration interview will 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 have the right to see and have a copy of, your child's school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of your child's school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 03003305485 or on <http://www.childlawadvice.org.uk> The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

You may wish to contact **Graeme Stobbs** at Services for Young People at South Tyneside Local Authority, on 0191 4246333, who can provide advice.

[Name of Child]'s suspension expires on **[date]** and we expect **[Name of Child]** to be back in school on **[date]** at **[time]**.

Yours sincerely

[Name]
Headteacher

MODEL LETTER SUSPENSION FIFTEEN DAYS

NAME OF PARENTS OR GUARDIANS

Date:

ADDRESS

Our Ref:

Your Ref:

From head teacher (or teacher in charge of a PRU) notifying parent of a fixed period suspension of more than 15 school days in total in one term.

Dear [Parent's name]

[Child Name]

[DOB]

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**. This means that **[Child's Name]** will not be allowed in school for this period. The suspension begins/began on **[date]** and ends on **[date]**.

I realise that this suspension 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 excluded for this fixed period because **[reason for suspension]**.

[for pupils of compulsory school age — next 3 paragraphs]

You have a duty to ensure that your child is not present in a public place in school hours during **[the first five school days of suspension or specify dates]**, unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates. It will be for you to show that there is reasonable justification.

We will set work for **[Child's Name]** during the **[first five school days or specify dates]** of his/her suspension **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

[if the individual suspension is for more than 5 days]

From the **[6th school day of the pupil's suspension]** **[specify date]** until the expiry of his suspension we **[For PRUs the local authority - set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education. **[Set out the arrangements if known at the time of writing, e.g.]** On **[date]** he should attend **[give name and address of the alternative provider]** at **[specify the time — this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider]** **[if not known say that the arrangements for suitable full time education will be notified shortly by a further letter]**

[School and PRU] As the length of the suspension is more than 15 school days in total in one term the governing body/management committee must meet to consider the suspension. At the review meeting you may make representations to the governing body/management committee if you wish. The latest date

on which the governing body/management committee can meet is **[date here — no later than 15 school days from the date the governing body is notified]**. If you wish to make representations to the governing body/management committee and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body/management committee of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<https://www.gov.uk/special-educational-needs-disability-tribunal/overview>). Making a claim would not affect your right to make representations to the governing body/management committee.

[mandatory for all suspensions of primary-aged pupils and those of more than 5 days of secondary-aged pupils]

You **[and your child or name of pupil]** are invited to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Failure to attend a reintegration interview will 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 and have 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 **[Child's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 03003305485 or on <http://www.childlawadvice.org.uk>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January. You may wish to contact **[insert name of Young Person's Lead for the school]**, Young Person's Lead, Services for Young People at South Tyneside Local Authority, on 0191 424####, who can provide advice.

[Name of Child]'s suspension expires on **[date]** and we expect **[Name of Child]** to be back in school on **[date]** at **[time]**.

Yours sincerely

[Name]

Headteacher

MODEL LETTER PERMANENT EXCLUSION

NAME OF PARENTS OR GUARDIANS
ADDRESS

Date:
Our Ref:
Your Ref:

From the headteacher of a primary, secondary or special school (or the teacher in charge of a PRU) notifying the parent(s) of that pupil's permanent exclusion

Dear [parent's name]

[Child's name]
[DOB]

I regret 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/this PRU unless he/she is reinstated by the governing body/the discipline committee. (management committee in case of a PRU)

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded because [reasons for the exclusion – include any other relevant history].

[For pupils of compulsory school age]

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. on [specify the precise dates] unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

[For pupils of compulsory school age]

Alternative arrangements for [Child's Name]'s education to continue will be made. For the first five school days of the exclusion we will set work for [Child's Name] and would ask you to ensure this work is completed and returned promptly to school for marking [this may be different if supervised education is being provided earlier than the sixth day]. From the sixth school day of the exclusion onwards – i.e. from [specify the date] South Tyneside local authority will provide suitable full-time education. A representative from the Alternative Education and Behaviour Support Service will contact you to discuss the necessary arrangements.

NAME OF PARENTS OR GUARDIANS
ADDRESS

Date:
Our Ref:
Your Ref:

From the headteacher of a primary, secondary or special school (or the teacher in charge of a PRU) notifying the parent(s) of that pupil's permanent exclusion

Dear [parent's name]

[Child's name]
[DOB]

I regret 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/this PRU unless he/she is reinstated by the governing body/the discipline committee. (management committee in case of a PRU)

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded because [reasons for the s exclusion – include any other relevant history].

[For pupils of compulsory school age]

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. on [specify the precise dates] unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

[For pupils of compulsory school age]

Alternative arrangements for [Child's Name]'s education to continue will be made. For the first five school days of the exclusion we will set work for [Child's Name] and would ask you to ensure this work is completed and returned promptly to school for marking [this may be different if supervised education is being provided earlier than the sixth day]. From the sixth school day of the exclusion onwards – i.e. from [specify the date] South Tyneside local authority will provide suitable full-time education. A representative from the Alternative Education and Behaviour Support Service will contact you to discuss the necessary arrangements.

[First Tier Tribunal (<https://www.gov.uk/special-educational-needs-disability-tribunal/overview>).

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

You may also wish to contact Graeme Stobbs at South Tyneside Local Authority on 0191 4246333 or karen.rutherford@southtyneside.gov.uk , who can provide advice on what options are available to you.

You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 03003305485 or on <http://www.childlawadvice.org.uk>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January. [insert reference to local sources of independent advice if known.]

Yours sincerely
[Name]
Headteacher (teacher in charge in case of a PRU)