



Suspension and Exclusion Policy

Person Responsible:	Deputy Headteacher
Last Reviewed:	January 2023
Adopted by Governing Body:	January 2023
Next Review due:	January 2024

Statement of intent

At Thornleigh Salesian College, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that the suspension of students may be necessary where there has been a serious breach, or consistent breaches, of the school's Behavioural Policy. Suspending a student may also be required in instances where allowing the student to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspension of students 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 LA when responding to student suspensions, 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 student's right to an education despite having been suspended, by ensuring that appropriate arrangements are in place.

Signed by:

_____ Headteacher Date: _____

_____ Chair of governors Date: _____

1. Legal framework

1.1. This policy has due regard to the related statutory legislation including, but not limited to, the following:

- Education Act 2002
- 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
- The European Convention on Human Rights (ECHR)
- Equality Act 2010

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

- DfE (2017) 'Exclusion from maintained schools, academies and pupil referral units in England'
- 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'
- DfE (2022) Behaviour in Schools update
- DfE (2022) Keeping children safe in Education update

1.3. This policy will be implemented in conjunction with the following school policies and procedures:

- **Behavioural Policy**
- **Special Educational Needs and Disabilities (SEND) Policy**
- **Child Protection and Safeguarding Policy**

2. Roles and responsibilities

2.1. The LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- Reviewing and reassessing student's needs in consultation with their parents where they have an EHC 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 student 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.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

2.2. The Governing Body is responsible for:

- Providing information to the Secretary of State and LA about any exclusions within the last 12 months.
- Arranging suitable full-time education for any student of compulsory school age excluded on a fixed-term basis for five days.
- Considering parents' representations about suspensions.
- Where a suspension would result in a student missing a public examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a student to be permitted onto the school premises to sit the public examination or test.
- 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 students.
- Considering the interests and circumstances of the suspended student 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 a suspension.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the student's education record, along with copies of relevant papers for future reference.
- Notifying the student's parents, the Headteacher and LA of its decision and the reasons for it.
- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a student's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a student where directed to do so by the Suspensions review panel.

2.3. The Headteacher is responsible for:

- Implementing good levels of discipline to ensure all students 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 a suspension.
- Complying with their statutory duties in relation to students 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 poor behaviour has occurred, e.g. if a student has suffered bereavement, bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a student who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspension as a sanction, e.g. if a student 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 students, particularly those with SEND, eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of students with additional needs.
- Determining whether a student will be permanently excluded on disciplinary grounds.
- Withdrawing any suspensions that have not been reviewed by the Governing Body, where appropriate.
- Ensuring any decision to suspend is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend a student.
- Ensuring they have considered their legal duty of care when sending a student home following a suspension.
- Making the decision to suspend based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a student's parents without delay where the decision is taken to suspend the student, including the days on which the parents must ensure the student is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the Governing Body and LA of their decision to suspend a student where appropriate, as well as the student's home authority if required.
- Notifying the Governing Body once per term of any suspensions not already notified.
- Organising suitable work for excluded students where alternative provision cannot be arranged.
- Informing the Virtual Headteacher and social workers for the suspension of a Looked After Child.

3. Grounds for suspension

- 3.1. The school will only exclude a student where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's **Behavioural Policy**, have failed to be successful.
- 3.2. The following examples of behaviour may underline the school's decision to suspend a student:
 - Any incident which poses a risk to other students or members of staff, e.g. bringing a weapon onto the premises, illegal/illicit objects or substances
 - Any incident which breaches the law
 - Persistent and severe bullying
 - Verbal and physical abuse
 - Constant disruption
 - A single, serious and major incident, e.g. serious assault on another individual leading to injury
- 3.3. Students can be suspended on a fixed-period basis, i.e. up to 45 school days within a year, or permanently. Similarly, students can be permanently excluded following a suspension, where further evidence is presented.
- 3.4. In all cases, the Headteacher will decide which suspension period a student will be subject to, depending on what the circumstances warrant.
- 3.5. Parents must attend a return to school meeting with their child after a suspension period.

4. The Headteacher's power to suspend

- 4.1. Only the Headteacher has the power to suspend a student from the school, and is able to decide whether this is temporary suspension or permanent exclusion. All suspensions will only be issued on disciplinary grounds.
- 4.2. The Headteacher is able to suspend students from the premises where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day.
- 4.3. The Headteacher is able to consider a student's disruptive behaviour outside of the school premises as grounds for suspension, in accordance with the school's Behavioural Policy.
- 4.4. Any decision made to suspend a student will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and the school's wider legal duties.
- 4.5. All suspensions will be formally recorded on sims.

- 4.6. When sending a student home following any suspension, the Headteacher will ensure that they exercise their duty of care at all times and will always inform the parents.
- 4.7. 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.
- 4.8. The Headteacher may withdraw any suspension that has not already been reviewed by the Governing Body.
- 4.9. 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 student's exclusion on these grounds.
- 4.10. The Headteacher will not issue any 'informal' or 'unofficial' suspensions, e.g. sending a student home to 'cool-off', regardless of whether or not the parents have agreed to this.
- 4.11. The Headteacher will not use the threat of suspension as a means of instructing parents to remove their child from the premises.

5. Factors to consider when suspending a student

- 5.1. When considering the suspension of a student, the Headteacher will:
 - Allow the student the opportunity to present their case.
 - Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the student's wellbeing has been compromised, or they have been subjected to bullying.
 - Take into consideration whether the student 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 students who demonstrate consistently poor behaviour.
- 5.2. The Headteacher will consider avoiding permanently excluding LAC students, those with SEMH issues or students with an EHC plan. The Headteacher will inform the Virtual Headteacher and social workers for the suspension of a Looked After Child.
- 5.3. Where any member of staff has concerns about vulnerable student groups and their behaviour, they will report this to the Headteacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities.

- 5.4. In accordance with the Equality Act 2010, under no circumstances will a student with identified SEND or SEMH issues be suspended before the graduated response process has been completed.
- 5.5. Where a student with SEND or SEMH issues is permanently excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these students are closely tracked and showing that the school has a close relationship with the student's next destination.
- 5.6. The Headteacher will work in conjunction with the parents of any students with additional needs to establish the most effective support mechanisms.

6. Duty to inform parents

- 6.1. Following the Headteacher's decision to suspend a student, they will immediately inform the parents, in person or by telephone, of the period of the exclusion and the reasons behind this.
- 6.2. The Headteacher will inform the parents in writing (electronically if written permission has been received from the parents for notices to be sent this way) of the following:
 - The reason(s) for the suspension
 - The length of the suspension or, for a permanent exclusion, the fact that it is permanent
 - Their right to raise any representations about the exclusion to the Governing Body, including how the student 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 exclusion, and the fact that they are able to bring an accompanying individual
 - The arrangements that have been made for the student to continue their education prior to the organisation of any alternative provision, or the student's return to school
 - Relevant sources of free, impartial information
- 6.3. Where the student is of compulsory school age, the Headteacher or delegated person will inform the parents 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 are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.
- 6.4. Where the Headteacher has arranged alternative provision, they or their delegated family person will also inform the parents of the following:
 - The start and end date for any provision of full-time education
 - The address at which the provision will take place

- Any information necessary for the student to identify the person they should report to on the starting date

6.5 If the alternative provision is due to begin before the sixth day of the suspension, the Headteacher is able to give less than 48 hours of notice, with parental consent.

6.6 If the Headteacher has decided to suspend the student for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents without delay and issue a new suspension notice to parents.

7 Duty to inform the Governing Body and LA

7.1. The Headteacher will inform the Governing Body and LA, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the student)
- Any suspensions which would result in the student being suspended for more than five school days in a term
- Any suspensions which would result in the student being absent from an examination.

7.2. For any suspensions, other than those above, the Headteacher will notify the Governing Body and LA once per term.

7.3. If the student who is suspended lives outside the LA in which the school is located, the school will notify the student's 'home authority'.

8 Arranging education for suspended Students

8.1 For any suspensions of more than five school days, the school will arrange suitable full-time education for the student, which will begin no later than the sixth day of suspension.

8.2 Where a student receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension.

8.3 For permanent exclusions, full-time education will also be provided for the student from the sixth day of suspension.

8.4 The school will not arrange full-time education for any student who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.

8.5 Where it is not possible to arrange alternative provision during the first five days of suspension, the school will ensure that they take reasonable steps to set and mark work for the suspended student.

8.6 If a student with SEND has been suspended, the school will ensure that:

- Any alternative provision is arranged in consultation with the student's parents, who are able to request preferences.
- When identifying alternative provision, any EHC plan is reviewed or the student's needs are reassessed, in consultation with their parents.

9 **Considering suspensions**

9.1 The Governing Body will consider any representations made by parents in regard to suspensions.

9.2 Parents 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.

9.3 Any meeting to consider reinstatement of a student will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

9.4 The Governing Body will consider the reinstatement of an excluded student, where:

- The exclusion is permanent.
- The suspension is fixed-period, and would bring the student's total number of suspended school days to more than 15 in any given term.
- The suspension would result in the student missing a public examination.

9.5 In the case of a suspension, where the student'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 student.

9.6 When considering the reinstatement of an excluded student, the Governing body will:

- Only discuss the exclusion 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 students and parents to be accompanied by a person of their choice to the meeting.
- Consider the interests and circumstances of the excluded student, including the grounds for exclusion.

10 **Reaching a decision**

10.1 After considering exclusions, the Governing Body will either:

- Decline to reinstate the student.
- Direct the reinstatement of the student immediately, or on a specified date.

10.2 If reinstatement would make no practical difference, e.g. if the student has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the Governing Body will still consider whether the student should be officially reinstated, and whether the Headteacher's decision to suspend the student was fair, lawful and proportionate, based on the evidence presented.

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

10.4 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 exclusion of the student 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 exclude.
- Record the outcome of the decision on the student's educational records, along with copies, which will be kept for at least six months.
- Make a note of their findings, where they have considered an exclusion but cannot reinstate the student.

11 Notification of considered exclusions

11.1 The Governing Body will notify the parents of the suspended student, the Headteacher and the LA of their decision following the consideration of a suspension, in writing and without delay.

11.2 In the case of a permanent exclusion, where the Governing Body decides not to reinstate the student, they will notify the parents:

- That it is permanent, and their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a student's SEND is considered relevant to the exclusion.
- That, regardless of whether a student has been identified as having SEND, the parents have a right to require the Governing Body to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.

- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

11.3 The Governing Body will also notify parents that, if they believe an exclusion 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.

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

12 Removing permanently excluded students from the school register

12.1 The Headteacher will remove students from the school register if:

- 15 school days have passed since the parents were notified of the Governing Body's decision not to reinstate the student and no application for an independent panel review has been received.
- The parents have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.

12.2 If an application for an independent panel review has been made within 15 school days, the Headteacher will wait until the review has been determined, or abandoned, and until the Governing Body has completed any reconsideration that the panel recommended or directed it to carry out, before removing the student from the school register.

12.3 If a student's name is to be removed from the register, the Headteacher will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the student normally resides.
- The grounds upon which the student's name is to be removed from the register.

12.4 Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the student's name was removed.

12.5 Whilst a student's name remains on the admissions register, the appropriate code will be used to mark the student's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

13 **Independent review panel**

13.1 The LA will review the Governing Body's decision not to reinstate a permanently excluded student if the parents submit their application for this within the required time frame.

13.2 Parents are required to submit their applications within:

- 15 school days of the Governing Body's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

13.3 Any application made outside of this timeframe will not be reviewed.

13.4 Parents are able to request an independent panel review even if they did not make a case to, or attend, the Governing Body's initial consideration of the exclusion.

13.5 The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Exclusion from maintained schools, academies and pupil referral units in England' 2017.

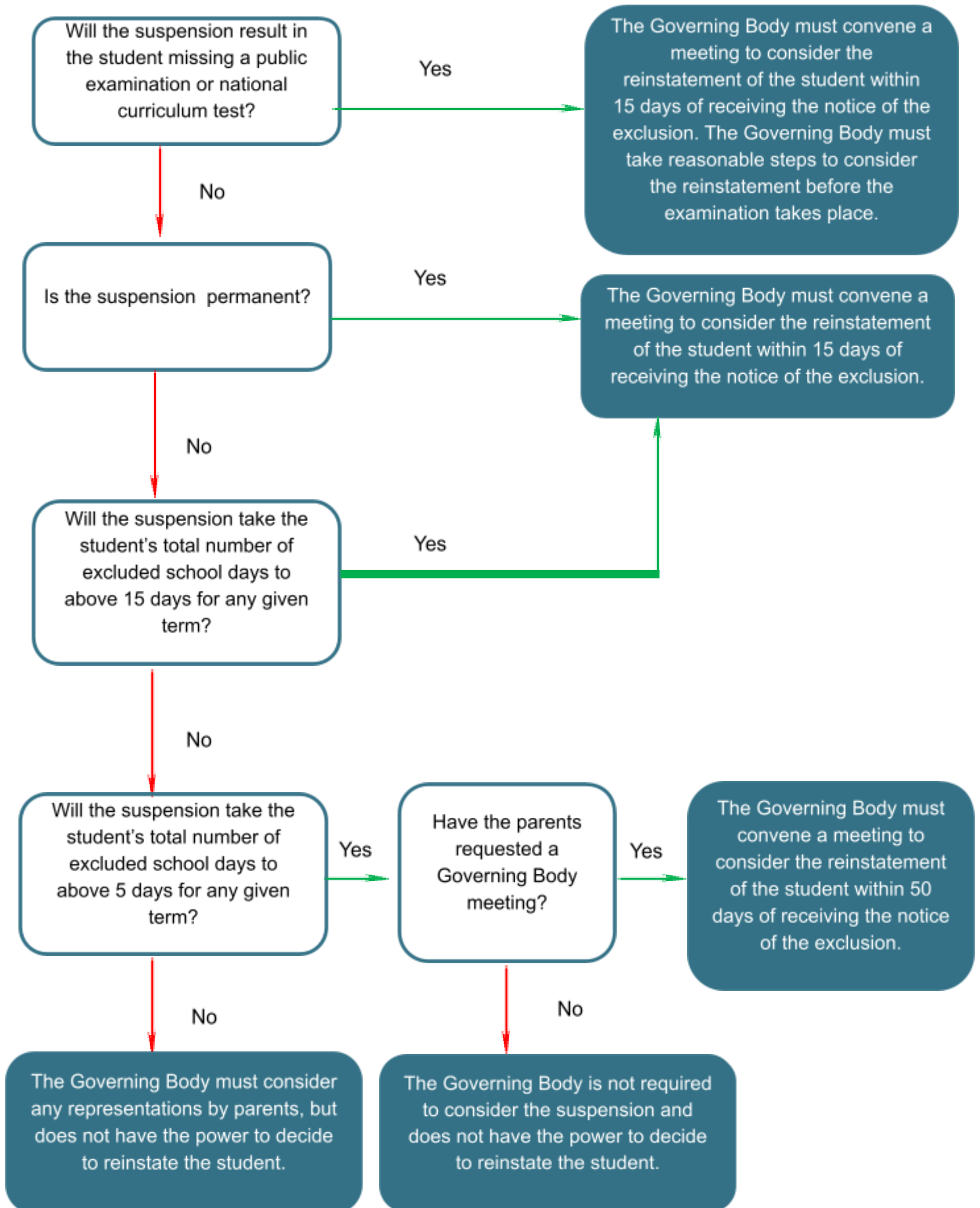
14 **Monitoring and review**

14.1 This policy will be reviewed every two years by the Headteacher in conjunction with the Governing Body.

14.2 The next scheduled review date for this policy is January 2024.

14.3 All members of staff will be required to familiarise themselves with this policy as part of their induction programme.

• **Reviewing the Headteacher's Exclusion Decision**



15 Deciding whether a meeting should be held remotely

15.1 For exclusions), meetings of the Governing Body or IRP will be held via remote access if:

- It is not reasonably practicable for the meeting to take place in person.
- The Governing Body (or arranging authority if the meeting is an IRP) is satisfied that:

All the participants agree to the use of remote access.

All the participants have access to the technology that will allow them to hear and speak throughout the meeting, and to see and be seen if a video call is used.

All the participants will be able to put across their point of view or fulfil their function.

The meeting can be held fairly and transparently via remote access.

15.2 The Governing Body (or arranging authority if the meeting is an IRP) will be responsible for ensuring these conditions are met before a meeting takes place.

15.3 When determining whether it would be reasonably practicable to meet in person, the Governing Body or arranging authority will assess:

- The facts of the case.
- The circumstances in which a meeting could be expected to take place.
- The needs of the intended participants.

16 Arranging a remote access meeting

16.1 The Governing Body or arranging authority will explain the technology they propose to use to participants and will ensure that the participants (particularly students and their parents) know that they do not have to agree to a meeting being held via remote access.

16.2 Where a parent or student has consented to a remote access meeting, all other participants will make reasonable efforts to accommodate that preference unless there is a clear reason not to.

16.3 The normal requirements for who must be invited to a meeting (as set out in the wider policy) remain in place; however, those who have no intention of taking part in the meeting will not be treated as 'participants' for the purpose of the arrangements in this appendix.

16.4 Governing Bodies, arranging authorities and panel members will comply with equalities legislation and recognise that some participants may find it difficult to participate in a remote access meeting, e.g. if they have SEND or EAL.

- 16.5** The chair of the meeting will check that the participants understand the proceedings and can engage with them, to ensure the meeting is conducted fairly.
- 16.6** Once the meeting starts, if it cannot proceed fairly (e.g. if a participant cannot access it), the meeting will be adjourned.
- 16.7** The use of remote access will not alter any other procedural requirements that apply during the meeting.
- 16.8** Though written representations will be considered, solely paper-based meetings will not be permitted.
- 16.9 As long as the conditions for a remote access meeting are met, it will be possible for some participants to attend a meeting in person and for others to join via remote access.
- 16.10 To help meetings run smoothly and ensure they are accessible for participants, the Governing Body or the arranging authority will:
- Provide clear instructions to participants about how to join the meeting virtually, and distribute the relevant papers in a timely manner ahead of the meeting.
 - Indicate a named person who participants can contact to discuss any questions they may have before the meeting.
 - Ensure the chair is prepared to explain the agenda at the start of the meeting, and to provide clear guidance on how the meeting will be run.
 - Consider holding a pre-meeting with participants to check that the available technology is suitable and that all participants understand how to access the meeting.

17 Applications for independent reviews of exclusions

This section applies to all exclusions occurring between 1 June 2020 and 24 March 2021 (inclusive).

- 17.1** Where the Governing Body declines to reinstate a pupil who has been permanently excluded, their parents (or the student if they are 18 or over) can apply for a review of this decision.
- 17.2** For exclusions covered under these arrangements, the deadline for applications will be increased to 25 school days from the date on which notice in writing of the Governing Body's decision was given to parents (or the student if they are aged 18 or over).
- 17.3** The school will wait for the extended period of 25 school days to pass without an application having been made before deleting the name of the permanently excluded student from the admissions register.

18 **Meetings of independent review panels to consider permanent exclusions**

18.1 The arranging authority will arrange for overdue meetings to take place via remote access, if the conditions can be met, or in person as soon as it is safe and practicable to do so.

19 **Meetings to consider permanent exclusions and suspensions.**

19.1 If a student is permanently excluded or receives a suspension which results in them having been suspended for 16 or more days in a term, the Governing Body will try to meet to discuss reinstatement within 15 school days.

19.2 If a student receives a suspension which results in them having been suspended for at least 6 school days in a term but not more than 15 school days in that term, and the parent (or student if they are 18 or over) chooses to make representations about the suspension, the Governing Body will meet to discuss reinstatement within 50 school days.