

	Suspension and Exclusion Policy	
	Last reviewed: February 2023	Next review: February 2025
	Linked Governor: Peter Hepburn	SLT Member: Dave Beattie

Ashlyns School is an inclusive school, which seeks to encourage positive attitudes and good behaviour in order to maximise learning potential. This policy should therefore be read in conjunction with the School's Behaviour Policy.

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion as a sanction where it is warranted.

The law also outlines that behaviour of pupils outside school can also be considered as grounds for suspension and exclusion.

We follow statutory guidelines on suspensions and exclusions, and the final decision to externally suspend or exclude can be made only by the Headteacher. Other suspension or exclusion-related activities do not have to be undertaken by the Headteacher personally, but may be delegated. When deciding to exclude a student, the Headteacher will ensure there has been a thorough investigation and that a written record is kept of his actions and those of other staff.

The following factors will be considered before any decision to exclude:

- encouraging the student to give their version of events
- consideration of all the evidence available to support the allegations, taking account of the schools' behaviour and equal opportunities policies

Whilst an exclusion may still be an appropriate sanction, the head teacher will take account of any contributing factors that are identified after an incident of poor behaviour has occurred, for example checking whether the incident is provoked, e.g. by bullying or by racial or sexual harassment, and any Special Educational Needs, in determining whether to exclude and the length of any exclusion.

There are two main types of external exclusion: Suspensions (formerly known as 'fixed-term exclusions') and Permanent.

Suspensions (formerly known as Fixed-Term Exclusions) (C5)

The following incidents or offenses are examples of behaviours which will normally lead to a suspension:

- Persistent/ Repeated C4+ behaviour
- Poor behaviour during C4+ isolation
- Swearing at or about a member of staff
- Prejudicial abuse, such as: racist, sexist, homophobic abuse or harmful sexualised behaviour and language
- Persistent bullying
- Repeated deliberate defiance
- Physical assault

Persistent/repeated fighting
Persistent/repeated theft or vandalism
Serious misuse of technology
Bringing the school into disrepute
Bringing an offensive weapon onto the school premises (inadvertently)
Possession of illegal substances on the school site
Refusal to cooperate with a search for prohibited items

The length of a **suspension** will be decided by the Head Teacher with reference to:

- the age of the student
- the disciplinary record
- the nature of the offense
- exam obligations
- how the school has responded in similar cases involving other students.
- the number of previous exclusions the students has had for that given offense previously

Procedures for Investigating incidents

Incidents will normally be investigated by the Heads of Year, Heads of Faculty, Learning Mentors, or members of the Senior Leadership Team. When investigating any incident the member of staff responsible will ensure that the following protocols are adhered to:

- Statements where relevant will be taken from the students and adults involved in the incident. In addition statements will be taken from as many students or adults as the member of staff investigating the incident feels is necessary to be satisfied that they have an accurate picture of what transpired.
- If necessary, photos or CCTV footage of the incident will be viewed as part of the investigation.
- Any statements taken should be signed and dated by the student to confirm that they have written them themselves and are satisfied with what they have written.
- If a student is unable to write their own statement they will dictate it to two appropriate adults. This could be a form tutor, teaching assistant, Learning Mentor, Head of Year, a member of the Inclusion team, or another member of the teaching staff or Senior Leadership Team.
- Where a statement is dictated to an appropriate adult this will be indicated on the statement but the student will still sign it themselves to indicate that they agree with what has been written.
- In the event that there is a need to interview students then this should occur with two staff member, in which one staff member will lead the questioning and one will take written notes of the interview

Once the investigation has been completed and if suspension is felt to be appropriate the Headteacher will review the evidence and make the final decision.

“When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher must apply the civil standard of proof, i.e., ‘on the balance of probabilities’ it is more likely than not that a fact is true, rather than the criminal standard of ‘beyond reasonable doubt.’ This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen.” *Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (2022)*

Where a student is excluded the school will:

- contact parents/carers immediately to inform them of the decision
- confirm the decision, details and expectations in writing within 24 hours
- notify parents/carers of their responsibility to ensure that their child is not present in a public place in school hours during the first five days of any suspension (a fixed penalty notice can be imposed)
- undertake to set and mark work for that student for the first five days of the suspension
- provide full-time education (off-site or in a shared provision) from the sixth day of any period of suspension of six days or longer
- advise of any sanctions that may be imposed for non-attendance of the provision for the sixth day onwards
- consider how the time out of school might be used to address the student's problems
- consider what support will best help with the student's reintegration into the school at the end of the suspension

Penalty Notice for excluded students

During the initial period of up to five school days of any exclusion, whether suspension or permanent, the parents of the excluded student must ensure that he or she is not present in a public place during normal school hours without reasonable justification. This requirement applies whether or not the student is in the company of the parent. A failure to comply with this requirement is an offence. Parents can be given a fixed penalty notice of £50 if they fail to do this. The penalty payable increases to £100 if unpaid after 28 calendar days, and if this is still unpaid after 42 days the parent will be subject to prosecution for the original offence.

Re-integration

After a suspension students must attend a readmission meeting with their parents and a member of the Senior Leadership Team, an Inclusion team member and/or their Head of Year. The terms of re-admission are discussed and agreed at such meetings and provision for continued support for the student arranged at this time.

The purpose of the reintegration interview is to assist the reintegration of the student and promote the improvement of his or her behaviour. It provides an opportunity to:

- emphasise the importance of parents working with the school to take joint responsibility for their child's behaviour
- discuss how behaviour problems can be addressed
- explore wider issues and any circumstances that may be affecting the child's behaviour
- reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour
- create a useful forum to consider with parents the possibility of a parenting contract
- at the close of the meeting the students and parents should sign the readmission contract in order to sign back up to the school rules and regulations

The parents/carers of a student who is suspended for a single or cumulative period of 6-15 days in any one term can request a meeting with Governors to review the suspension. The Governors will meet within 50 school days of the suspension and will decide whether or not to uphold the suspension. If a student is suspended for more than 15 days in a term the Governors will always meet within 15 school days to review the suspension.

Children who have an allocated social worker will always be informed of any suspension. In the event that the child is a Child Looked After (CLA) the Virtual school Head will be contacted.

Permanent Exclusions (C6 offenses)

“A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently should only be taken:

- 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 such as staff or pupils in the school.” *Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (2022)*

This may occur due to persistent C5 behaviour, or a very serious one-off offense. These might include:

- a) serious actual or threatened violence against another student or member of staff
- b) theft from school, a student or a member of staff
- c) sexual abuse or assault
- d) supplying or intent to supply an illegal drug
- e) carrying an offensive weapon
- f) endangering the safety of members of the school community, for example through significant tampering with school safety equipment such as setting off the fire alarm

Schools now have a power to screen and search students for weapons. We will consider whether or not to inform the police where a criminal offense may have taken place. The school may also feel that threshold has been met to make a Children’s Services referral.

If a student is permanently excluded the school will:

- notify parents of their responsibility to ensure that their child is not present in a public place in school hours during their first five days of any permanent exclusion (a fixed penalty notice could be imposed)
- undertake to set and mark work for that student for the first five days of the exclusion
- advise parents or carers that, during the first week of the exclusion, that the Local Authority will arrange to assess the student’s needs and how to meet them; arrange a meeting with them to discuss options; and that from the sixth school day ensure that suitable full time education is provided
- arrange a meeting of Governors to review the exclusion and decide whether to uphold it
- Students who are permanently excluded will remain on the school roll during the period allowed for appeals, or removed sooner if the Local Authority confirms there will be no appeal.

The Role of Governors – Exclusion Process and Timescale

Suspensions of five days or less:

- governors will consider any representation from parents but do not have to meet
- governors have no power to reinstate or overturn a decision (but can place findings in the students record)
- if a public exam will be missed – the group should convene immediately if requested (the Chair of Governing Body may consider the issue alone)
- the Head Teacher will report all suspension details to Governing Body and LA once a term (name, length, reason, age, gender, ethnicity, and whether student has SEN or is in LA care)

Suspensions of 6 – 15 days in any one term (single event or cumulative):

- can be considered by the governors only if parents request a meeting; governors can uphold a suspension or reinstate the student (earlier or immediately)
- governors meet within 50 school days (after receiving notice of the suspension)
- In the absence of any representations by parents the governing body is not required to meet and cannot direct reinstatement

Suspension exceeding 15 day limit in any on term

Once the 15 day limit is exceeded (in any one term) and in all permanent exclusion cases the governors must meet between the 6th and 15th school day after the date of receipt of notice to consider the exclusion as per below.

Meeting of the governing Board

- Members of the Governing Body (usually 3 or 5 members)
- A clerk who is preferably not a governor or a member of the staff
- The Headteacher and appropriate staff member
- The parents and student (should be encouraged)
- A friend or representative of the parent
- A representative of the LA (CSF)
- Social Worker of the child (if applicable)
- The Virtual School Head (if the child is CLA)

Decision making

- Governors make their decision alone (only the clerk may stay)
- They make a decision based on evidence provided at the hearing and in papers supplied
- Be satisfied that the exclusion procedures have been followed and all relevant strategies have been tried (and failed)
- Have regard to the guidance
- Must inform the parent, the Headteacher and the LA of its decision in writing within one school day of the hearing

Role of the Local Authority

- Advises parents of their Right of Appeal
- Invites the student to an Integration Panel to discuss provision following exclusion
- Sixth day provision does not have to be made for students in their final year of

compulsory education who have already taken (or missed) their public examinations

For a student with an SEN Education and Health Care Plan, suitable full-time provision must be considered in line with what is specified on the EHCP.

Public Examinations

Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for a governing board. It must, so far as is reasonably practicable, consider and decide on the suspension or permanent exclusion before the date of the examination or test. If it is not practical for sufficient governors to consider the reinstatement before the examination or test, the chair of governors, in the case of a maintained school, may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the pupil.

Canceling a suspension or exclusion

Headteachers may cancel a suspension or exclusion that has not been reviewed by the governing board. This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion. If this occurs, parents, the governing board and the local authority should be notified, and if relevant, the social worker and Virtual School Head.

Safeguarding

In the event that the Headteacher feels that carrying out an exclusion may put a student at risk from a safeguarding perspective, other avenues will be considered in order for a consequence to be issued but with the safety of the child being paramount.