

Suspension & Exclusion Policy

Aim

At Aspire we are committed to providing a high quality of education in a safe learning environment.

All behaviour support focuses upon our ethos of 'Aiming High, Reaching All' and is intended to support learners in developing strategies to manage their own behaviour.

In order to achieve this, the staff, as part of the routine of the school, develop a range of strategies to minimise inappropriate behaviour.

In instances where inappropriate behaviour is part of an individual learner's special educational need, a structured programme of support is offered through Pathways to Success. These programmes supplement and complement the whole school strategies to promote appropriate behaviour.

At Aspire suspension and exclusion are seen as a sanction of the last resort and we recognise that learners with a statement or an EHCP are often at higher risk of exclusion (DfE 2022) as are children looked after. At Aspire it is recognised that these groups require early interventions and a multi-agency approach first.

In instances where the normal range of school responses proves to be ineffective, suspension and exclusion may have to be considered.

At Aspire it is only used in response to:

- an incident of serious aggression or violent behaviour by a learner
- continued inappropriate behaviour by a learner following intervention through Pathways to Success Programmes and Pastoral support
- prolonged or protracted disruptive behaviour that prevents an orderly environment being maintained

Suspension and exclusion should be avoided as far as possible and only be used where an individual's behaviour:

- puts the safety and well-being of him/herself, other learners or adults at risk
- adversely affects the ability of other learners to learn effectively
- results in serious and/or anticipated damage to the fabric or materials of the school, other learners or adults

- consistently ignores the school rules, expectations and ethos, and results in serious and persistent defiance of adults

All suspensions and exclusions should be for the minimum time necessary to be effective in responding to the learner excluded, and to protect the interests of other learners and adults in the school. This isn't clear

Fixed term suspensions cannot exceed a total of 45 school days in a single academic year. Extending a suspension or converting it to permanent exclusion is not allowed in law, unless further evidence comes to light, when a further suspension can be issued immediately after the first period or a permanent exclusion issued after the suspension. All suspensions will be reported to the Local Authority in line with agreed protocols and documentation.

The Governing body will be notified of any permanent exclusions and suspensions, of 5 working days or more or where a learner will miss a public exam or national curriculum test. All permanent exclusions will be reported to the Local Authority in line with agreed protocols and documentation.

The length of exclusion may vary according to the individual circumstances of each incident. This will include:

- physical violence towards adults or learners
- verbal violence towards adults or learners, e.g. threats of violence
- extortion, or threat of extortion
- absconding/encouraging other learners to abscond from the school premises
- damage to property
- severe continuous disruption to the learning of others
- allegations of a serious nature that necessitate action from a third party e.g. child protection issues/referrals

This list represents an exemplar and is not intended to be exclusive.
The behaviours may be by an individual acting alone, or as a member of a group.

Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education: Suspension and [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England, September 2022](#)

It is based on the following legislation, which outline schools' powers to exclude learners:

- Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)
- Sections 64-68 of the [School Standards and Framework Act 1998](#)

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

The decision to suspend or permanently exclude

Only the Head of School, or acting Head of School, can suspend or exclude a learner from school. A permanent exclusion will be taken as a last resort.

A decision to suspend or exclude a learner will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the learner was to remain in school it would seriously harm the education or welfare of others

Before deciding whether to suspend or to permanently exclude a learner, the Head of School or acting Head of School will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension or exclusion were provoked
- Allow the learner to give their version of events
- A decision to permanently exclude a learner will only be made in cases of extreme behaviour the learner may be permanently excluded in response to an individual incident e.g. violence towards staff and learner

Behaviour outside of school

The behaviour of learners on school 'business', for example, school trips, sporting fixtures or work experience placements is subject to the Aspire behaviour policy. Unacceptable behaviour in these circumstances will be treated in line with school procedures.

For behaviour outside of school but not on school business this policy will have effect if there is a clear link between that behaviour and maintaining good behaviour among learners as a whole. This includes serious incidents in the immediate vicinity or whilst travelling to and from school.

Definition

Where an incident occurs, which necessitates further information in cases of extreme behaviour the learner may be permanently excluded in response to an individual incident. E.g. violence towards staff and learners.

It is recognised that in certain cases further enquiries may need to be made. In this instance the learner may be suspended 'pending further enquiries'. This allows for additional information to be gathered which may or may not impact upon the decision to extend the suspension.

During any suspension we will take 'reasonable steps' to set and mark work.

In all cases of suspension or exclusion parents are notified by telephone on the day of the suspension or exclusion where possible. The suspension or exclusion will be confirmed in writing and forwarded to parents, by post, the following day with details of how and to whom an appeal can be made regarding the decision to suspend or exclude.

Roles and responsibilities

The Head of School

Informing parents

The Head of School will immediately provide the following information, in writing, to the parents of a suspended or excluded learner:

- The reason(s) for the suspension or exclusion
- The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or exclusion to the governing board and how the learner may be involved in this

- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a learner, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Head of School will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

The Head of School will take reasonable steps for work to be set and marked during the first five days of a suspension. This will be done as soon as possible once the paperwork is completed, the child is collected and after parents/carers and Social Workers have been informed

If alternative provision is being arranged, the following information will be included when notifying parents of a suspension or exclusion:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the learner to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the governing board and local authority

The Head of School will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period suspension is made permanent
- Suspensions which would result in the learner being suspended for more than 5 school days (or more than 10 lunchtimes) in a term

Suspensions or exclusions which would result in the learner missing a public examination

For a permanent exclusion, if the learner lives outside the LA in which the school is located, the Head of School will also immediately inform the learner's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Head of School will notify the governing board and LA once a term.

Informing Social Worker

The Head of School will ask the designated lead for Looked After Children (LAC) to inform the Social Worker of any LAC as soon as reasonably possible about any suspensions or exclusions.

Monitoring

All suspensions and exclusions are monitored as part of the schools monitoring policy and suspensions and exclusions are reported to Governors through the Head of School reports.

Drug related Suspensions or Exclusions

In making a decision in relation to drug related incidents the Head of School will have regard for the Aspire Management of Misuse of Drugs policy.

Suspensions and Exclusions in the absence of the Head of School.

A learner may be suspended or excluded only on the authority of the Head of School. The Head of School may exercise this authority directly, or in his/her absence, the authority is delegated to:

- Deputy or Assistant Head nominated as in charge only in consultation with the Head of School or Executive Head

The Deputy or Assistant Head should only act in instances of prolonged absence of the Head of School, or in instances where urgent action is required.

Cancelling suspensions and exclusions

The Head of School may cancel any suspension or exclusion that has already begun, but this should only be done when it has not been reviewed by the governors. Parent, the governors and the LA, if relevant they Virtual School Head and any Social Worker.

Parents/carers should be given the opportunity to meet the Head of School and report the reason for any cancellation to governors. The learner should be allowed back to school.

The governing board

Responsibilities regarding suspensions or permanent exclusions are delegated to the Full Governors committee consisting of at least 3 governors.

The Governors have a duty to consider the reinstatement of a suspended or excluded learner.

The governing board has a duty to consider the reinstatement of a suspended or excluded learner.

Within 14 days of receipt of a request, the governing board will provide the LA with information about any suspensions or exclusions in the last 12 months.

For a fixed-period suspension of more than 5 school days, the governing board will arrange suitable full-time education for the learner. This provision will begin no later than the sixth day of the suspension.

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

Considering the reinstatement of a learner

The Governing Body will consider the reinstatement of a suspension or excluded learner within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term suspension which would bring the learner's total number of school days of exclusion to more than 15 in a term
- It would result in a learner missing a public examination

If requested to do so by parents, the governing board will consider the reinstatement of a suspension or excluded learner within 50 school days of receiving notice of the exclusion if the learner would be suspended or excluded from school for more than 5 school days, but less than 15, in a single term.

Where a suspension or exclusion would result in a learner missing a public examination, the governing body will consider the reinstatement of the learner before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the suspension or exclusion independently and decide whether or not to reinstate the learner.

The governing body can either:

- Decline to reinstate the learner, or
- Direct the reinstatement of the learner immediately, or on a particular date

In reaching a decision, the governing body will consider whether the suspension or exclusion was lawful, reasonable and procedurally fair and whether the Head of School followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the learner's educational record.

The governing body will notify, in writing, the Head of School, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing body's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the learner's SEND is considered to be relevant to the exclusion
 - That, regardless of whether the excluded learner has recognised SEN, parents have a right to require the LA to appoint a SEND expert to attend the review
 - Details of the role of the SEND expert and that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for a SEND expert to be appointed in any application for a review
 - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

An independent review

If parents apply for an independent review, the LA will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded learner.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing board of its decision to not reinstate a learner.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors' category and 2 members will come from the Head of School category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Head of Schools during this time
- Head of Schools or individuals who have been a Head of School within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member of the LA, or governing board of the excluding school
- Are the Head of School of the excluding school, or have held this position in the last 5 years
- Are an employee of the LA, or the governing board, of the excluding school (unless they are employed as a Head of School at another school)
- Have, or at any time have had, any connection with the LA, school, governing board, parents or learner, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

School registers

A learner's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the learner and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a learner's name from the register.

Where alternative provision has been made for an excluded learner and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded learners are not attending alternative provision, code E (absent) will be used.

Returning from a fixed-term suspension

Following fixed-term suspension, a re-integration meeting will be held involving the learner, parents, a member of senior staff and other staff, where appropriate. The Aspire Federation will engage proactively with parents/carers in considering additional support when a suspension is made.

All learners and their parents will have an appointment sent out prior to their return. The meeting will be attended by the appropriate pastoral manager and a member of SLT.

The purpose of the meeting is to outline future expectations in relation to behaviour and identify future support programmes. (see Appendix 1)

Following a suspension all learners will be referred to Pathways to Success and progress monitored. A suspension may lead to an early review or interim review.

Monitoring arrangements

The SLT member responsible for behaviour monitors the number of suspensions and exclusions every term and reports back to the Head of School. They also liaise with the local authority to ensure suitable full-time education for suspended and excluded learners.

This policy will be reviewed by Governing Body every 2 years. At every review, the policy will be shared with the governing board.

Links with other policies

This exclusions policy is linked to our:

- SEND policy and information report
- Behaviour for Learning
- Teaching & Learning
- Anti-Bullying
- Physical Intervention
- Management of Misuse of Drugs

Links to DfE Statutory guidance

Date approved:	6th December 2022
Review Date:	November 2023
Signed Executive Headteacher:	C Taylor
Signed Chair of Governors:	J Baumber

Appendix 1

Independent review panel training

The LA must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need to the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of Head of Schools, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible human rights) and the need to act in a manner compatible with human rights protected by that Act

Reintegration meeting after a fixed-term suspension

Learner:

Date of meeting:

People present:

ACTIONS AND COMMENTS		
Learner's comments	Parent/guardian's comments	School's comments including referrals made:

Review of progress and Reintegration back into school

Empty box for review of progress and reintegration back into school.

Signed:
(Learner)

Signed:
(Parent/Guardian)

Signed SLT:
Signed Pastoral:

