Auckland College Independent School

*Every Pupil Matters, Every Moment Counts*

# School Suspension and Exclusion Policy



# Document Control

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# Table of Contents

***School Suspension and Exclusion Policy*** ..... ***4***

**Introduction** ..... **4**

**Legal Framework** ..... **4**

**Roles & Responsibilities** ..... **5**

**Grounds for suspension or exclusion** ..... **6**

**Power to suspend and exclude** ..... **7**

**Factors to consider when excluding a pupil** ..... **7**

**Duty to inform parents** ..... **8**

**Disciplinary meeting** ..... **9**

**Reviewing suspensions and exclusions** ..... **10**

**Reaching a decision** ..... **11**

**Monitoring and review** ..... **11**

# School Suspension and Exclusion Policy

## Introduction

At Auckland 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 exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy or Parent Contract. Excluding a pupil may also be required in instances were allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils will only be used as a means of last resort.

The school has created this policy to provide clarity on when the school's right to exclude a pupil may be exercised, and to ensure that our procedures are fair and promote natural justice. This policy does not apply to instances when a pupil must leave the school due to non-payment of fees or withdrawal by their parents.

## Legal Framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Education Act 2002
- Education and Inspections Act 2006
- Education Act 1996
- The Education (Independent School Standards) Regulations 2014
- The European Convention on Human Rights (ECHR)
- Equality Act 2010
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

This policy operates in conjunction with the following school policies:

- Auckland Behaviour Policy
- Anti-bullying Policy
- SEND Policy
- Social, Emotional and Mental Health (SEMH) Policy
- Child Protection and Safeguarding Policy

## Roles & Responsibilities

The LA will be responsible for:

- Arranging suitable full-time education for any pupil of compulsory school age who is excluded permanently, in coordination with the school.
- Reviewing and reassessing pupils' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.

The governing board will be responsible for:

- In conjunction with the headteacher, ensuring arrangements are in place to allow for a prompt review of all permanent exclusions, where necessary.
- Considering written representations from parents about exclusions within seven working days of receiving notice.
- Where an exclusion would result in a pupil missing an examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the examination or test.

The headteacher will be responsible for:

- Applying the civil standard of proof when establishing the facts in relation to an exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the exclusion process, as outlined in the SEND Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, bullying or has a mental health issue.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly pupils:
  - With SEND
  - Who are eligible for FSM
  - Who are LAC
  - From certain ethnic groups
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Instigating a multi-agency assessment to assess the behavioural issues of vulnerable pupils when necessary in line with the school's Social, Emotional and Mental Health (SEMH) Policy.
- Arranging and attending a disciplinary meeting with the pupil and their parents.
- Determining whether a pupil will be excluded on disciplinary grounds.

- Ensuring any decision to exclude is lawful, rational, reasonable, fair, and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following an exclusion.
- Notifying a pupil's parents without delay where the decision is taken to exclude the pupil.
- Notifying the LA within 24 hours of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Organising suitable work for excluded pupils where necessary.
- Considering problems, e.g. safeguarding concerns, that may be caused by a temporary exclusion, e.g. inadequate supervision of the pupil during the exclusion.

## Grounds for suspension or exclusion

The school will only suspend or exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour for Learning Policy and in line with the Parent Contract, have failed to be successful.
The following examples of pupil behaviour may underline the school's decision to suspend or exclude a pupil:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Bullying
- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse

The above list is not intended to be exhaustive, and it will remain at the discretion of the headteacher to determine if exclusion is an appropriate disciplinary action in response to an incident or series of incidents.

Pupils can be suspended on a fixed-period basis, i.e. up to 45 school days within an academic year, or permanently. Similarly, pupils can be permanently excluded following a suspension, where further evidence is presented.

In all cases, the headteacher will decide which exclusion period a pupil will be subject to, depending on what the circumstances warrant.

The headteacher will decide if an offence warrants police involvement if there is a belief criminal activity may have taken place.

## Power to suspend and exclude

Only the headteacher has the power to suspend or exclude a pupil from the school, which is derived from the Parent Contract, and they will decide whether a suspension or exclusion is appropriate.

The headteacher is able to suspend pupils from the premises where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day.

The headteacher is able to consider a pupil's disruptive behaviour outside of the school premises as grounds for suspension or exclusion, in accordance with the school's Behaviour Policy.

Any decision made to exclude a pupil will be lawful, proportionate, and fair, with respect to the school's wider legal duties, including the ECHR. 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 pupil's exclusion on these grounds.

When sending a pupil home following a suspension or exclusion, the headteacher will ensure that they exercise their duty of care at all times and will always inform the pupil's parents.

The headteacher will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The headteacher will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g. sending a pupil home to 'cool off', regardless of whether the parents have agreed to this.

The headteacher will not use the threat of suspension or exclusion as a means of instructing parents to remove their child from the premises.

All suspensions and exclusions will be formally recorded on the pupil information system, SchoolPod.

## Factors to consider when excluding a pupil

A suspension or exclusion will only be imposed instantly if there is believed to be an immediate threat to the safety of staff and pupils in the school or the pupil themselves. When considering the suspension or exclusion of a pupil, the headteacher will:

- Ensure an appropriate investigation and evidence-recording process is carried out.
- Allow the pupil the opportunity to present their case, accompanied by a member of staff or a parent if requested.

- Give adequate consideration to contributing factors that are identified after a case of poor behaviour has occurred, e.g. the pupil's SEND, or if the pupil's wellbeing has been compromised, or they have been subjected to bullying.

The headteacher will consider what extra support may be available for vulnerable pupil groups, e.g. pupils with SEND, whose suspension or exclusion rates are higher, to reduce their risk of exclusion.

The headteacher will consider avoiding permanently excluding LAC, pupils with SEMH issues and pupils with an EHC plan.

Where any member of staff has concerns about vulnerable pupil 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 and mental health needs, or other needs and vulnerabilities. The full assessment procedures are outlined in the school's Social, Emotional and Mental Health (SEMH) Policy.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's Behaviour Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered.

In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be excluded before the graduated response process has been completed.

Where a pupil 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 pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination.

The headteacher will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

## Duty to inform parents

The headteacher will inform the parents of a pupil under investigation for an incident that may result in suspension exclusion as soon as is reasonably practical.

When a decision is made to suspend or exclude a pupil, the headteacher will immediately inform the parents, in person or by telephone, of the period of the suspension or the permanency of the exclusion and the reasons behind this.

The headteacher will inform the pupil's parents via written communication of the following:

- The reason(s) for the suspension or exclusion
- The length of the suspension or permanency of the exclusion

- The arrangements to allow the pupil to work at home, where appropriate
- The pupil's rights to enter the school premises during the suspension or exclusion
- Their right to raise any representations about the suspension or exclusion to the governing board, including where a deadline applies, how the pupil will be involved in this and how the representations will be made
- Relevant sources of free, impartial information

If the headteacher has decided to suspend the pupil for a further fixed period following their original suspension, or to permanently exclude them, they will notify the pupil's parents without delay and issue them with a new exclusion notice.

If a pupil with SEND has been excluded, the headteacher will ensure that:

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

## Disciplinary meeting

The headteacher will decide if a disciplinary meeting is required to address breaches of the school's Behaviour Policy or Parent Contract where exclusion is considered necessary.

The pupil and their parents will be requested to attend the disciplinary meeting and they will be provided with the opportunity to provide their views of the complaints made.

A member of staff will be chosen by the pupil to accompany them in the meeting if requested.

At the meeting, the headteacher will ensure the following documents are available:

- A statement detailing the incident(s) and complaints against the pupil
- The report compiled as part of the investigation
- Any relevant correspondence, e.g. written statements
- Relevant documents from the pupil's school file
- A copy of this policy

The headteacher will not be required to share confidential information, or the identities of pupils or others who have provided information that has formed part of the evidence against a pupil, with parents.

The headteacher will decide based on the evidence presented at the meeting and representations made by and on behalf of the pupil whether further investigation is needed, or whether the complaint has been proved or disproved on the balance of probability.

If the complaint is proved, the headteacher will inform the pupil and their parents of the possible disciplinary actions and a decision will be given within 24 hours.

If the pupil's parents request a review by the governing board, the pupil will remain suspended until the governing board has concluded the process.

## Reviewing suspensions and exclusions

The governing board will consider any representations made by the pupil's parents in regard to suspensions and exclusions that are received in writing within three working days of notification – representations made after the deadline will be considered only at the discretion of the headteacher.

The parents' representation will state the basis on which they are seeking a review and the resolution they want.

The governing board will decide if a review is warranted based on the representation – a simple disagreement with the headteacher's decision will not typically be considered sufficient grounds for a review.

The headteacher will ensure appropriate arrangements are in place for the review if the pupil has SEND or the parents have any disabilities that necessitate additional facilities or adjustments.

When a review is granted, the governing board will select a three-member panel. The members of the panel will not have prior knowledge of the details of the case or be familiar with the pupil or their parents.

The pupil's parents will be notified before the review of the chosen members for the panel, and the governing board will consider any objections raised.

The review will take place within 10 working days of submission of the parents' representations during term time.

The chair of the panel will decide if new information provided by either side is allowed to be considered.

The panel will examine the evidence provided by both sides and the representations made and will decide if the original decision stands or whether the headteacher should reconsider their decision with recommendations made, e.g. to reduce the severity of the punishment.

A review meeting is a private procedure and all those involved will keep the proceedings confidential, subject to law.

In attendance at the review meeting will be the members of the panel, an appointed clerk, the headteacher, the pupil and their parents, and any relevant staff member requested by the pupil or their parents agreed upon by the headteacher.

The procedures of the review meeting will be informal, fair and follow the requirements of natural justice.

## Reaching a decision

The panel will consider how the decision was reached and if the facts of the case were sufficiently proved – the civil standard of proof will apply.

The panel will decide if the disciplinary action was proportionate to the complaints made against the pupil.

The pupil and their parents will be informed that if they are unhappy with the procedure of the review, they should raise their concern to the chair of the panel at the time and ask the clerk to note their concern.

Once all issues have been considered, the panel will reach its decision and make its recommendations, which will be communicated in writing, with justifications, to the headteacher and the pupil's parents by the chair of the panel within three working days of the meeting.

The headteacher will respond to the recommendations within 24 hours of notification. This decision will be final.

The headteacher will consult with the pupil's parents before determining the leaving status of the excluded pupil, in line with the Parent Contract, and any additional arrangements, e.g. the form of reference which will be supplied for the pupil.

## Monitoring and review

This policy will be reviewed annually by the headteacher in conjunction with the governing board.

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