

Castle Donington College



Exclusions and Suspensions Policy

Review Date: Annually Autumn Term 2023

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1. Introduction

An exclusion is the legal power a Principal has to remove a pupil from the school site either for a fixed period (a suspension) or permanently. In some cases, a member of the school senior leadership team may suspend a pupil.

This policy meets Castle Donington College's statutory obligation to have an Exclusion Policy that complies with the Department for Education's Guidance on Exclusions and Suspensions of July 2022.

2. Expectations

Castle Donington College works at all times to provide a safe, calm and supportive environment for pupils to learn effectively and to thrive. Sometimes it will be necessary to remove a pupil on a suspension for a fixed term or on a permanent basis to achieve this.

Neither suspension nor exclusion will be used without investigation and proper consideration of possible alternatives. Permanent exclusion will be the last resort.

This policy and attached procedures will set out how the suspension and/or exclusion process will operate.

The 'Exclusion and Suspension Policy' supports the principles set out in the 'Behaviour Policy'.

3. Prior to a suspension or exclusion

- The individual pupil's background, circumstances and needs will be considered on a case-by-case basis. The school will make sure they can demonstrate that a range of strategies and interventions have been tried to modify the pupil's behaviour.
- If a pupil has a disability, identified SEND or Social Emotional Mental Health needs then consideration about how this impacts on their behaviour will be taken into account.
- If there is social care or health involvement, consultation with these agencies will be part of the evidence gathering and review process either in the form of a professionals meeting or a multi-agency meeting.

The College will exercise its right to use suspensions as part of a strategy to improve behaviour. These will be supported by reintegration meetings that focus on improving behaviour by placing targets and support in place.

In some cases, the matter will be so serious that a single incident may lead to a permanent exclusion.

In line with government legalisation, a pupil's behaviour outside school can be taken into account, this can include online and physical actions. A Principal can also consider reports of a pupil's actions outside school to determine if the pupil has brought the school into disrepute.

4. Breaches of the Behaviour Policy

If a pupil's behaviour has a detrimental effect on other pupils in a class and school this is a breach of the behaviour policy. The examples below are not exhaustive, it is the impact of the behaviour that will be taken into consideration.

Negative behaviour that prevents staff delivering the best teaching and learning for the class causes resources to be diverted to manage and control an individual at the expense of other pupil's learning opportunities. It is also the case that pupils may not feel safe and secure to go about their learning if they perceive that poor behaviour is not addressed by the adults in the school.

Behaviour that is disruptive, in and outside of lessons can lead to either fixed term suspensions, or in some cases a permanent exclusion.

Examples of disruptive behaviour can include:

- verbal, online or physical bullying
- aggressive behaviour to others in school
- disruption of lessons as a result of poor behaviour
- refusal to follow instructions or directions from school staff
- use or threats of weapons
- damage to school property
- threatening behaviour.

5. Serious, Single Incidents

A single, one off, serious incident can result in a permanent exclusion.

Examples of such a serious matter are:

- 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 that has been banned by a school's behaviour policy
- bullying
- racist abuse
- abuse against sexual orientation or gender reassignment
- abuse relating to disability
- making serious false allegations about another person.

The list is not exhaustive. The Principal can take other factors into account when deciding if a single incident is so serious to require a permanent exclusion.

6. Decision Making

The Principal will make sure they are satisfied that the behaviour leading to a suspension or permanent exclusion was in breach of the Behaviour Policy. This may be on the grounds of persistent disruptive behaviour or a single one-off incident (or a combination of both).

The Principal will exercise the power to issue a permanent exclusion. If the Principal is absent for a significant period, an acting Principal can be authorised to make a permanent exclusion decision.

A member of the school senior leadership team can issue a suspension if deemed necessary and that decision will be reviewed by the Principal.

A decision to exclude a pupil permanently will 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 in the school.

A Headteacher can cancel any sanction before it is reviewed by the Governing Body.

Decisions must be:

- lawful
- fair
- reasonable
- proportionate
- follow the evidence gathered
- rational

7. Notification of the Sanction

The Principal will notify the parent/carer of an excluded pupil without delay of the reasons for the sanction.

If the pupil is Looked After by the Local Authority (LA) or has a social worker, then relevant people at the LA will be notified. The LA will be notified of all suspensions and exclusions.

The notification to parents/carers will set out what will happen next, and how and when the sanction can or will be reviewed by the Governing Body.

The notification will also explain the details about how work will be set, how it will be marked and returned to the pupil. If Alternative Provision education is to be provided, details of this will be in the notice. The school has the legal right to instruct off site provision with an Alternative Provider in order to improve behaviour. It is not necessary to obtain the parent/carers permission for this however the school would wish to work in partnership with the parents/carers wherever possible.

8. Reviews of the Decision to Suspend or Exclude.

The table sets out how parents/carers can seek a review of the Principal's decision

Sanction	Right to Review
Up to 4 days suspension in a term	Written representations can be made to the Governing Body who must consider the submissions and consider reinstatement. There is no time limit for such consideration.
5 to 15 days suspension in a term	Representations can be made to the Governing Body who does not have to meet with the parent/carers. It may be on written submissions alone. This must be done within 50 days of the decision that triggers the timeline. The Governing Body must consider reinstatement However, if the effect of the sanction is to miss a public exam of national curriculum test, the Governing Body must seek to review the decision ahead of that event.
More than 16 days suspension in a term	The Governing Body must convene a meeting within 15 school days to consider reinstatement. Parent/carers (and usually the pupil) will be invited to attend the meeting and make representations.
Permanent Exclusion	The Governing Body must convene a meeting within 15 school days to consider reinstatement. Parent/carers (and usually the pupil) will be invited to attend the meeting and make representations.

9. The Review Meeting

The meeting date will be shared by the clerk. The school will provide evidence of the reasons for the suspension or exclusion.

The Governing Body will consider written submissions for reviews of suspensions up to 15 days. Parent/carers will not be invited to the Governing Body meeting that will discuss a suspension of up to 15 days, neither will the Principal be present for that discussion, but they will be invited to submit any written evidence.

If the Governing Body is meeting to review a suspension of 16 or more days, or to review a decision to permanently exclude a pupil, then parent/carers (who can be accompanied by a friend or representative) and the Principal will be invited to a specially convened meeting. The clerk will make arrangements for the meeting and notify all parties of the date, time and venue. The clerk will liaise to secure a mutually convenient time if possible within 15 school days. All material that has been provided to the clerk will usually be shared with all parties 5 school days before the meeting. Strict protocols regarding the safety of these documents are followed as follows: secure passwords are used for any data held electronically; sealed envelopes and hand delivery are used where possible; or special delivery from Royal Mail. All hard copies in the school will be kept in a locked office or a locked filing cabinet.

The meeting panel will be comprised of trustees who have no connection with the incidents or events. It may be necessary to use trustees from other schools or trusts to demonstrate suitable independence. The panel will either uphold the Principal's decision or direct the reinstatement of the pupil.

10. After the Governing Body Meeting

The clerk will notify all parties of the outcome. The actual decision may be shared by a telephone call to the parent/carers and the school. A letter setting out the reasons in plain English will follow. The letter will also explain what other options are available.

If the decision is to uphold a permanent exclusion, the letter will set out that parents/carers can request an Independent Review Panel within 15 school days of being notified of the Governing Body's decision.

11. Independent Review Panel (IRP)

If parents/carers (or the pupil) request an IRP to review the board of trustee's decision it must usually be held within 15 school days. If a request is received outside the 15 days, it will not be accepted as the legal timeline is very clear.

The IRP members will have no vested interest or connection with the school. An independent panel will be convened by the school. The IRP members must be suitably trained.

The parents/carers can request that a SEND expert attends. This person can be funded by the school or trust but must be independent of them.

The IRP can uphold the decision, recommend a review, or quash the decision and direct the Governing Body to reconsider reinstatement.

The IRP can where necessary be followed by a meeting of the Governing Body for the purposes of a reconsideration.

12. Removal from Roll

A pupil can be removed from the school roll following a permanent exclusion if:

- a) the parent/carer makes no application for an Independent Review Panel within 15 school days of being notified of the meeting of the BG review.
- b) the parent/carer notifies the school that they will not be pursuing an IRP
- c) at the conclusion of the IRP hearing if the IRP upholds the decision to exclude
- d) following a reconsideration meeting following an IRP hearing, the Governing Body still decides to uphold the decision to permanently exclude a pupil

Removal from the school roll must be in compliance with the current version of the Education (Pupil Registration) (England) Regulations 2006.

13. Police and Criminal Investigations

A pupil and his or her family have the right to contact the police if they feel that a criminal offence has been committed.

Unless specifically directed by the police not to share statements or if they are concerned that the school's processes would significantly prejudice an investigation, the exclusion process should proceed. The significant difference in procedure and legal standard of proof means that the two processes should continue in tandem.

14. Law and Guidance

At each stage the relevant decision makers must ensure that each decision is:

- lawful
- fair
- reasonable
- proportionate
- follow the evidence gathered
- rational.

The principles of Natural Justice, protections of the Human Rights Act 1999 and where relevant the Public Sector Equality Duty must be applied.

The principal legislation to which this guidance relates is:

- the Education Act 2002, as amended by the Education Act 2011
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- the Education and Inspections Act 2006
- the Education Act 1996
- 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 Equality Act 2010
- the Education and Inspections Act 2006
- the Children and Families Act 2014

15. Statutory Guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089688/Suspension_and_Permanent_Exclusion_guidance_July_2022.pdf

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