

POLICY

Suspension and Permanent Exclusion Policy

Senior Team Responsibility:

Principal

Review Committee:

Performance & Standards

Reviewed:

December 2024

Next Review Date:

December 2025

As a college, we are committed to Safeguarding and promoting the welfare of children and young people. To achieve our commitment, we will ensure continuous development and improvement of robust Safeguarding processes and procedures that promote a culture of Safeguarding amongst our staff and volunteers

Linked Policies:

Student Behaviour Policy

Anti-bullying Policy

SEND & Inclusion Policy

Associated Documentation:

LEGISLATION AND STATUTORY GUIDE

This policy is based on statutory guidance from the Department of Education:

School Suspensions and permanent exclusions- GOV. UK, it is based on the following legislation, which outline schools 'powers to exclude students:

- 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 students.
- 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

Student Behaviour Policy

Summary: These Guidelines provide supplementary information to Staff, Governors, Parents and Carers in the event of a student suspension or permanent exclusion.

RESPONSIBILITIES

The implementation of this policy will be monitored by the Governors of the College and remain under constant review by the principal.

Aim

Our aim is to ensure that:

- The suspensions and permanent exclusions process is applied fairly and consistently
- The suspensions and permanent exclusions process is understood by governors, staff parents and students
- Students in college are safe and happy

Casterton College Rutland requires everyone to show respect, tolerance and understanding towards others.

The College will, at all times, adhere to the statutory guidance issued by the DfE in respect of suspensions

and exclusions from the College.

The College will seek to put in place a range of intervention strategies that minimise the need for suspension or permanent exclusions. Please read our Behaviour Management Policy for more details regarding our approach. Strategies may include being placed on Head of Year or Tutor report, allocation of a key worker, restorative justice, mediation, working in Student Services or a senior manager's office, moving tutor groups, curriculum alternatives (at Key Stage 4), the use of support plans, the involvement of appropriate external agencies, following the Rutland County Council (RCC) Early Help referral process as required, referral to RCC Student Support Programme (formally known as Education Inclusion Partnership) or a managed move.

Exclusion Procedure - A Guide for Parents/Carers and Staff

This is a guide to the way suspensions and permanent exclusions are handled at Casterton College Rutland. It is to guide staff in the lead up to suspension and exclusion and to explain to staff and Parents/Carers why we follow these procedures. Disciplinary procedures identify the appropriate action when a student's behaviour fails to meet the requirements of the Colleges behaviour policies and our Ready to Learn.

Decision to suspend or permanently exclude

Only the Principal or person delegated by the principal can suspend or permanently exclude student from the college. A permanent exclusion will only be taken as a last resort. Our college is aware that off rolling is unlawful. Ofsted defines off rolling as: "the practice of removing a student from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than the best interests of the pupil"

We are committed to following all statutory exclusion procedures to ensure that every child receives an education in a safe and caring environment.

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

- In response to serious or persistent breaches of the college's behaviour policy, and
- If allowing the student to remain in college would seriously harm the education or welfare of others

Before deciding whether to suspend or permanently exclude a student, the principal will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension/exclusion were provoked
- Allow the student to give their version of events
- Mitigating factors may include provocation, as a result of bullying, the student's emotional and/or medical condition, special educational needs or disability, potential coercion by other students, the nature of the offence and whether it is a first offence, previous behaviour, an apology, an admission, willingness to cooperate with the investigation and a willingness to make restitution

- towards the victim
- Aggravating factors may include failing to heed warnings about the risk of suspension/exclusion, premeditation of the offence, use of a weapon, previous history of similar incidents.
- Witness intimidation, the victim(s) sustaining injury, the victim being a younger or vulnerable student, significant support provided by the College or modify behaviour, lack of contrition or willingness to accept responsibility for his/her action and not cooperating with the investigation or seeking to frustrate it.

The principal can stop permanent exclusion that has already begun (that is, where the student is no longer attending school) when new information comes to light that changes understanding providing governors are informed and agree. This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion.

Definition

For suspensions and exclusion, a college day is defined as any day on which there is a college session. Therefore, Staff training days do not count as a college day.

Roles and responsibilities

The Principal

Informing parents, when the principal suspends or permanently excludes a student he must without delay, and no later than three days after the decision, notify parents. If a student has a social worker, or if a student is looked-after, the principal must, also without delay, and no later than three days after the decision, notify the social worker and/or Virtual School Head (VSH), as applicable about:

- The reason(s) for the suspension or permanent exclusion
- The length of suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the student may be involved in this
- Where there is a legal requirement for the governing board to meet to consider reinstatement of a student, and that the parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend
- The principal will also notify parents by the end of the afternoon session on the day their child is suspended or permanently excluded that for the first five college days of the exclusion, parents are legally required to ensure that their child is not present in a public place during school hours without good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If there is alternative provision (other educational setting), the following information will be included when notifying parents of the 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 student to identify the person they should report to on the first day

Where this information 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 the alternative provision is to be provided before the sixth day of the 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 principal will immediately notify the governing board and the local authority (LA) of all suspensions or permanent exclusions, regardless of the length of a suspension. Along with suspensions, which would result in the student, missing a public examination.

For permanent exclusion, if the student lives outside the LA in which the college is located, the principal will also immediately inform the students "Home Authority" of the exclusion and the reason(s) for it without delay.

The law requires that the College should make reasonable efforts to inform parents as soon as possible, after a decision is reached to suspend a student (but there is no requirement to do so before this point). A Member of the Student Services team will telephone, and email.

We send a copy of the letter by email to parents or carers. In the event of a permanent exclusion, the principal will telephone the parent/carer and all correspondence to parents/carers will be sent by recorded/tracked delivery.

Governing Board and Local Authority

Governing Board

Responsibility regarding suspensions and permanent exclusions is delegated to the governor disciplinary panel. The disciplinary panel has a duty to consider the reinstatement of a suspended or permanently excluded student.

Within 14 days of receipt of a request, the governing board will provide the secretary of state with information about any suspensions and permanent exclusions in the last 12 months. For a suspension of more than 5 college days, the governing board will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the suspension.

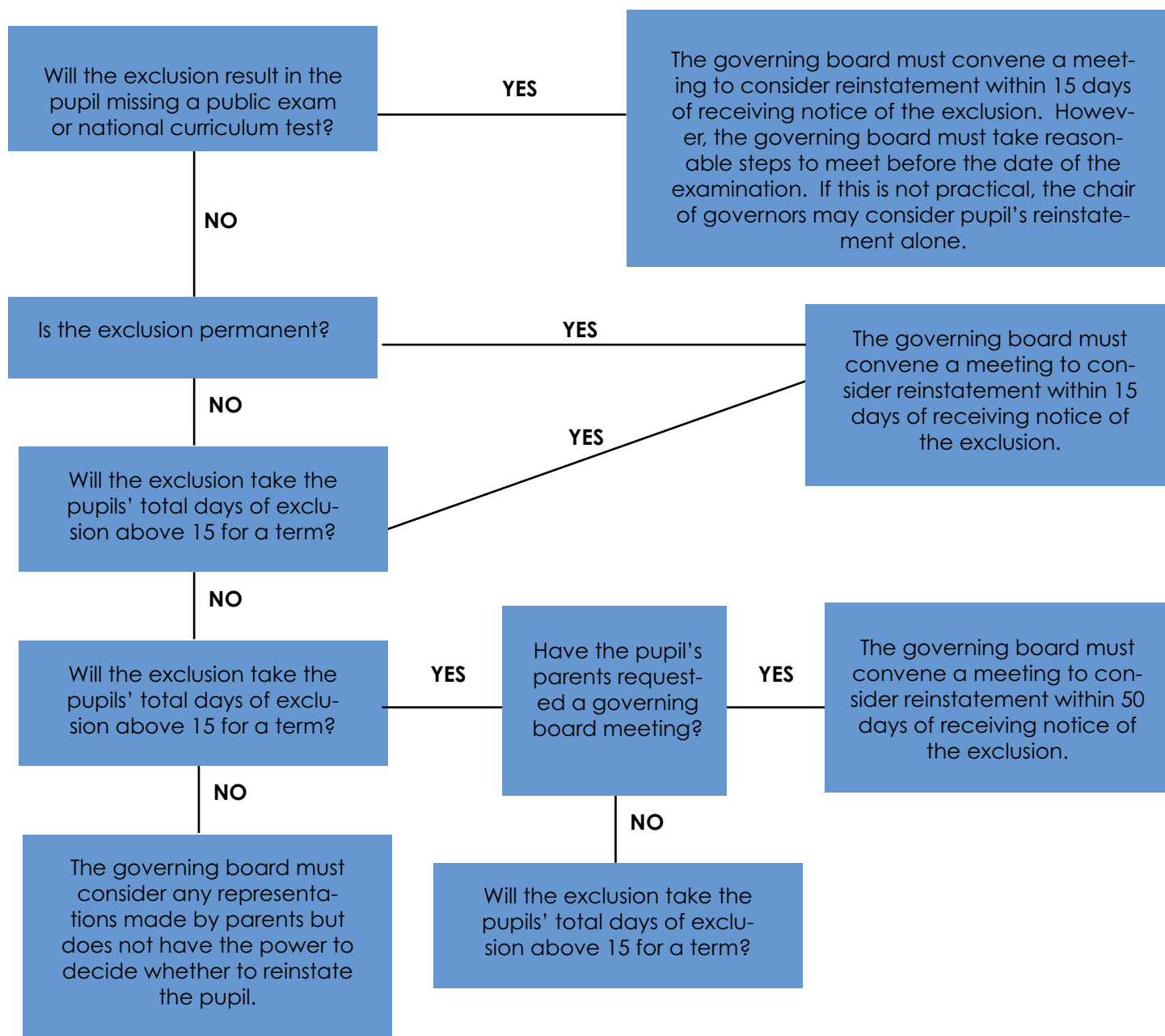
As a secondary school we do not need to arrange this for students in the final year of compulsory education who do not have any further public examinations to sit.

The governing board can require a student to attend another educational setting to improve their behaviour, this includes managed moves. <https://www.legislation.gov.uk/ukpga/2002/32/section/29A>

Local Authority

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

The requirement to review an exclusion depends on a number of factors, which are summarised in the diagram below:



The governing board may delegate its functions to consider an exclusion to a designated committee.

References to days mean 'school days'.

Virtual Hearings

Parents/carers can request that a meeting be held via the use of remote access (carried out by electronic means, e.g. live video link).

The principal must inform parents/carers of their right to make a request for a remote meeting when notifying them of the exclusion.

Governing boards and arranging authorities should:

- Confirm that all the participants have access to the technology which will allow them to:
- Hear
- Speak
- See
- Be seen
- Make sure all the participants will be able participate fully
- Make sure that the remote meeting can be held fairly and transparently

If governors aren't satisfied that a remote meeting can be held fairly and transparently, you should consult with parents/carers to decide how a face-to-face meeting can be arranged.

Where you can't resolve technical difficulties that prevent participants holding the meeting fairly or transparently, arrange a face-to-face meeting without delay.

Canceling Suspensions and Exclusions

Headteachers can now cancel exclusions that have not started yet, whereas previously they could only cancel suspensions/exclusions that had already begun. (This is all provided that the governing board hasn't yet met to consider whether the pupil should be reinstated.)

When an exclusion is cancelled, the headteacher must notify without delay:

- Parents/carers; or the pupil (if they're 18 or older)
- The governing board
- The local authority (LA)
- The pupil's social worker (where relevant)
- The VSH (where relevant)

The principal must provide all parties with the reason for cancellation. They should also offer parents/carers the opportunity to meet, without delay, to discuss the circumstances that led to the cancellation.

Bear in mind that any days out of school, before a cancelled suspension/exclusion, will count towards the maximum of 45 school days a pupil can be suspended in any school year.

Note that a permanent exclusion cannot be cancelled if a pupil has already been suspended for more than 45 days in a school year.

In the case of a cancelled suspension/exclusion, the duty to consider reinstatement stops so there is no need for governors to meet.

Considering the Reinstatement of a Student

The governor disciplinary panel will consider the reinstatement of a suspended or permanently excluded student within 15 days of receiving the notice of the suspension or permanent exclusion if:

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

If requested to do so by parents, the disciplinary panel will consider the reinstatement of a suspended student within 50 school days of receiving notice of the exclusion if the student would be suspended for more than 5 college days, but less than 15, in a single term.

Where a suspension or permanent exclusion would result in a student missing a public examination, the disciplinary panel will consider the reinstatement of the student before the date of the examination. If this is not practicable, the disciplinary panel will consider the suspension or permanent exclusion and decide whether or not to reinstate the student.

The disciplinary panel can:

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

In reaching a decision, the disciplinary panel will consider whether the suspension or permanent exclusion was lawful, reasonable and procedurally fair and whether the principal 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 student's educational record. The disciplinary panel will notify, in writing, the principal, parents and LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the disciplinary panel's decision will also include the following:

- The fact that it is permanent
- Notice of parents' rights 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 the 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 student's SEN are considered to be relevant to the exclusion
- That, regardless of whether the excluded student has recognised SEN, parents have a right to require Casterton College Rutland to appoint an SEN expert to attend the review
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an

SEN 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.

Social Workers and Virtual School Heads attending Disciplinary Panel Meeting

Social workers can provide important information that helps the disciplinary panel understand the experiences of the student and their welfare. Social workers should, as far as possible, attend the disciplinary panel meeting to share information. This should include helping the family identify how the student's circumstances may have influenced the circumstances of the student's suspension or permanent exclusion and ensuring that safeguarding needs and risks and the student's welfare are taken into account.

The Virtual School Head should, as far as possible, attend the disciplinary meeting to share information, where the student is a looked-after child. This should include helping the disciplinary panel to understand the student's background and circumstances. They should also be able to advise the panel on the possible contribution that the student's circumstances could have made to the suspension or permanent exclusion.

Independent Review

If parents apply for an independent review, Casterton College Rutland will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student. Applications for an independent review must be made within 15 college days of notice being given to the parents by the disciplinary panel of its decision not to reinstate the student.

A panel of 3 or 5 members will be constituted; 2 members will come from the school governor category and 2 members will come from the headteacher 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 headteachers during this time
- Headteachers or individuals who have been a

headteacher within the last 5 years

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

- Are a member of the Trust, or the governing board of Casterton College Rutland
- Are the Principal of Casterton College Rutland or have held this position in the last 5 years
- Are an employee of Casterton College Rutland
- Have, or at any time have had, any connection with the college, governing board, parent or student, 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 panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board decision and direct that they consider 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.

College Register

A Student's name will be removed from the college admissions register if:

- 15 college days have passed since the parents were notified of the disciplinary panel's decision to not reinstate the student and no application has been made for an independent review panel

Where an application for an independent review panel has been made, the governing board will wait until that review has concluded before removing the student's name from the register. Where alternative provision has been made for the excluded student and they attend it, code B (off site education) or code D (dual registration) will be used on the attendance register.

Where excluded students are not attending alternative provision or accessing tutoring through the LA code E (absent) will be used.

Returning from Suspension

Following a suspension, an integration meeting will be held involving the student, parent, a member of senior team, Head of Year and other staff where appropriate.

The following measures may be implemented when a student returns from a suspension:

- Behaviour Plan
- Managed Social Time provision
- Head of Year Report

- Risk Assessment
- Referral to outside agency support
- Discussion regarding managed move if appropriate

MONITORING ARRANGEMENTS

- The Assistant Principal monitors the number of exclusions every term and reports a summary back to the governing board. They also liaise with the local authority to ensure suitable full-time education for excluded students.
- A senior leader will review this policy every year. At every review, the policy will be shared with the governing board for approval.