

Sir Roger Manwood's School



Suspension and Exclusion Policy

Date of Approval: January 2025

Date of Review: January 2027

Introduction

1. This policy follows the publication the statutory guidance issued by the Department for Education entitled: *'Suspension and Permanent Exclusion from Maintained Schools, Academies, and Pupil Referral Units in England, including Pupil Movement, September 2023'*.
2. This policy should be read in conjunction with the following school policies: Teaching and Learning, Special Educational Needs, Disabilities, Equality Scheme, Health and Safety, Behaviour, Anti-bullying, Relationships and Sex Education, Safeguarding, Online Safety and Admissions.
3. The School is committed to the philosophy and practice of inclusion. We therefore believe our policy should be an overarching policy, true to the School's vision and aims.
4. The Senior Leadership Team (SLT) has agreed that the School's shared vision will be given high priority and all stakeholders will be aware of our whole school commitment to inclusion. The School summed up the vision statement of Engage... Explore...Excel... All members of our community are committed to contributing to the ethos of the School in a responsible and meaningful way.
5. We aim to provide a stimulating learning environment across the whole curriculum that varies according to the age of the learner. We recognise that the curriculum is subject to change, some of which is imposed and some of which comes from developments. We aim to be in a position to maximise the potential of individual students within our high ability context, ensuring that students of varied levels of ability and attitudes to learning are well equipped to meet the challenges of education, work and life.
6. This will be achieved by:
 - a culture that supports and promotes the School's vision and ethos
 - designing a curriculum to promote a full range of learning, thinking and life skills
 - providing a broad, balanced, relevant and challenging curriculum that meets the aspirations of all students, individuals and groups
 - using flexible and responsive teaching and learning methods to support all learners.
 - equipping students with the skills, knowledge and attitudes necessary to fulfil their potential and develop as forward thinking and resilient members of society
 - developing a close partnership within and with the whole community, including all stakeholders
7. Within the context of being an academically selective school, we aim to be an inclusive school and offer equality of opportunity and diversity when needed to all groups of students within school, aligned with the protected characteristics outlined in the Equality Act 2010 and the school's Equality Scheme. These groups include students who:
 - are travellers, asylum seekers or refugees
 - from any ethnicity, culture, religious affiliation or faith background, national origin or national status
 - have English as an additional language
 - have Special Educational Needs or Disabilities

- are gifted and talented
 - are current or previously Children Looked After
 - are at risk of disaffection or exclusion, young carers, sick children, children from families under permanent or temporary stress
 - identify as LGBT+
- 8.** We aim to provide a happy, healthy and safe school by:
- recognising, reflecting and celebrating the skills, talents, contributions and diversity of all our students and staff members
 - providing high quality pastoral care, support and guidance
 - safeguarding the health, safety and welfare of students and staff
 - listening and responding to the concerns of learners and parents/carers
 - taking care to balance the needs of all members of the school community
- 9.** In any circumstance where it becomes necessary to give a student a Fixed Period Exclusion (hereafter known as a Suspension) or Permanent Exclusion, the statutory guidelines and regulations will be followed.
- 10.** In the event of an extended school closure, it may prove necessary to place the process on hold if it is not possible for it to be completed by holding virtual meetings. The Headteacher and/or Chair of Governors will determine this on a case by case basis.
- 11.** In most cases a Suspension or Permanent Exclusion will be the last resort after a range of measures have been tried to improve a student's behaviour. They would normally be used:
- for a major first offence, such as serious actual or threatened violence, sexual abuse or assault, supplying banned substances, carrying an offensive weapon, or other high level behaviours as outlined in the School's Behaviour Policy.
 - where allowing a student to remain in school would be seriously detrimental to the education of other students, to the welfare of other students, staff or of the student themselves
 - following a series of breaches of the School's disciplinary code and after a range of strategies to resolve the student's disciplinary problems have been tried and have failed
 - when the behaviour of students outside school is such that it can be considered as grounds for exclusion of a student.

Principles of this Policy

- 12.** Only the Headteacher may exclude a student and this will only ever be on disciplinary grounds.
- 13.** This power may not be delegated to anyone else unless the Headteacher is absent and this power has been delegated to another member of the Senior Leadership Team.
- 14.** The Headteacher may withdraw a Suspension or Permanent Exclusion if it has not been reviewed by the Governing Body.
- 15.** In line with the principles of administrative law, (including the European Convention on Human Rights) and the DfE's guidance, any decision the Headteacher makes to exclude a student must be:

- lawful
 - reasonable
 - fair
 - proportionate
16. When establishing the facts in relation to a possible exclusion, the Headteacher will always apply the civil standard of proof i.e. on the balance of probabilities.
 17. The School will take care to ensure that a decision to exclude does not involve any kind of discrimination as defined by the Equality Act 2010.
 18. The School will always have due regard to its public sector equality duty.
 19. The School will not exclude any student for non-disciplinary reasons.
 20. Exclusion will never be used informally or unofficially. This is against the law.
 21. The Headteacher does, however, have the right to direct a student for education off-site to improve behaviour. They also have the right to arrange a 'managed move' for the same reason, but this will only be considered when there has been full consultation and agreement with parents/carers and the receiving institution. The threat of exclusion will never be used to influence parents/carers to remove their child from the School.
 22. Where practical, the Headteacher will give the student an opportunity to present their case before taking the decision to Suspend or Permanently Exclude.
 23. The Headteacher will take into account:
 - a. possible short term mitigating circumstances such as bereavement, mental health issues, etc.
 - b. whether the student has been subject to bullying
 - c. whether the student comes into a category that is known to be a particularly vulnerable group (e.g. students with SEND, student premium students, Children Looked After, certain ethnic groups, traveller children, LGBT+) and whether all preventative strategies have been fully utilised.
 - d. whether the reason a student is being considered for Suspension or Exclusion is linked to one of the protected characteristics as defined by the Equality Act 2010.
 - e. whether a student has already had a number of Suspensions which appear to have been ineffective.

Duration

24. The Headteacher may Suspend a student for one or more fixed periods not exceeding a total of 45 days in any one school year, or Permanently Exclude them.
25. If a student is Suspended for lunchtimes only, each lunch time counts as a half day.
26. The Headteacher may exclude a student permanently if they judge the circumstances warrant it.
27. In exceptional cases, usually where further evidence has come to light, a further Suspension may be issued to begin immediately after a previous Suspension has ended; or a Permanent Exclusion may be issued to begin immediately after the end of a Suspension.

Action Following a Suspension or Permanent Exclusion

28. The Headteacher will:
- a. Inform the parents/carers of the period and nature of the Suspension or Permanent Exclusion
 - b. Give the reasons for the Suspension or Permanent Exclusion
 - c. Advise the parents/carers about rights of representation to the Governing Body and how such a representation may be made
 - d. Take account of their legal duty of care when sending a student home. 'Holding' arrangements until a student can be collected may be necessary.
 - e. Make arrangements to provide suitable full time education from the sixth day onwards for students who have been given a suspension lasting longer than five days. Once alternative provision has been arranged from the sixth day of the exclusion, the alternative provision will contact the parents/carers as soon as possible to inform them of the start date, times and venue of the provision. The alternative provision provider will endeavor to do this no later than 48 hours before the alternative provision is to start. It is then the responsibility of the parents/carers to make sure the student attends the alternative provision.
(Note if the student is in Year 11 or Year 13 and has completed all public examinations, no alternative educational provision after six days is necessary).
 - f. Put this information in writing and send it either by email, and/or by posting a letter directly to the parents/carers, to the address contained within the School's Management Information System. The information can also legally be sent home with a student, but in this case the School will always send a duplicate copy by email or post. The information provided to parents/carers will be clear and free of unnecessary jargon. Consideration will be given to translating the letter if the parents'/carers' first language is not English.
 - g. Notify parents/carers that for the first five days of a suspension they are legally required to ensure that their child is not in a public place during school hours without reasonable justification and that they may be given a fixed Penalty Notice if they fail to do so.
 - h. Inform parents/carers when either a further Suspension or Permanent Exclusion has been issued to begin immediately after the end of a suspension, explaining the reasons for the change and providing any additional information required.

Informing Other Bodies

29. For any Suspension (be it a single day, a block of days, an accumulation of short suspensions of more than five days in any one term), or Permanent Exclusion, the Headteacher will also:
- notify Kent County Council (KCC) giving the details and reasons for it
 - notify the Governing Body giving the same details
 - inform the 'home authority' of the student without delay if the student lives outside Kent
 - inform KCC and the Governing Body if the student would miss a public examination due to their Suspension or Permanent Exclusion
30. A report on Suspensions and Permanent Exclusions will be presented regularly to the Student Progress and Wellbeing Committee of the Governing Body. This report will cover:
- the number and type of exclusions
 - the reasons and any SEN category
 - repeated offences and the school's response to them

- follow-up action (including what has subsequently happened to Permanently Excluded students)

31. In addition, within 14 days of a request, the School will report information about Suspensions or Permanent Exclusion within the previous 12 months to the Secretary of State and KCC.

Powers of the Governing Body

- 32.** The Governing Body has a duty to consider parents/carers' representations. The requirement on a Governing Body to consider a representation depends upon a number of factors. A summary can be found at Appendix A.
- 33.** In the case of a Suspension that does not bring a student's total number of days of suspension to more than 5 days in a term, the Governing Body must consider any representation made to it, but it cannot direct reinstatement and is not required to arrange a meeting with parents/carers.
- 34.** If parents of a student suspended for more than 5 days but less than 15 school days in a term make a representation to the Governing Body, the Governing Body must consider whether the student should be reinstated within 50 days. In the absence of any parental representation, the Governing Body is not required to meet and cannot redirect the reinstatement of a student.
- 35.** The Governing Body must consider the reinstatement of a student within 15 school days of receiving notice if:
- the exclusion is permanent
 - the suspension would bring a student's total number of suspended days to more than 15 in a term; or
 - it would result in a student missing a public examination.
- 36.** The Governing Body may review all the various categories of Suspensions and Exclusions and will consider any representations made by the parents/carers of the student. If the student is aged 18 or over, they may represent themselves provided there is parental agreement.
- 37.** The Governing Body has no power to increase the severity of a Headteacher's decision. It can, however, uphold a Headteacher's decision or direct the student's reinstatement, either immediately or by a particular date.

Appeal Committee

- 38.** The Governing Body will establish a Governing Body's Discipline Committee when required (hereafter referred to as 'the Committee'). The Governing Body will delegate its functions in respect of Suspensions and Permanent Exclusions to this Committee. The Committee will consist of at least three governors.
- 39.** The School will ensure that all governors who serve on such a Committee will have the support required to help them discharge their duties. A Clerk to the Committee will also be appointed.

40. The Committee can hear more than one appeal at a single sitting, so long as it complies with the statutory time limits related to each one.
41. No member of the Committee will have knowledge of the student(s) involved, or details of the incident that led to the Suspension or Permanent Exclusion as that could affect their impartiality.
42. The Chair of the Committee has a casting vote in all cases where an even number of governors are considering the case.
43. If a student could miss a public examination, the Committee will make every effort to meet before the date of the examination. Should this not be possible, then the Chair of Governors will consider the matter and decide whether to re-instate the student (this is the only circumstance in which the Chair alone will review a Suspension or Exclusion). When this occurs, the parents/carers also have the right to make oral representations. If possible, the Chair of Governors will have the advice of the Clerk. The Committee, or Chair of Governors, may agree to allow the student back on to the school premises for the sole purpose of sitting an examination, or make arrangements for the examination to be taken and invigilated off site, but they are not obliged to do so.

Convening an Appeal Meeting

44. For a Suspension of 5 to 15 Days in a Term

If the parents/carers of an excluded student make a written representation:

- The Chair of Governors will consider whether to convene the Committee
- The Committee has the discretion to agree to a meeting to discuss the matter, if this is requested by the parents/carers
- No statutory time limits apply to the consideration of such suspensions
- The Committee will hold their meeting between the 6th and 50th school day after receiving notice of an appeal

45. For a Suspension of more than 15 Days in a Term and Permanent Exclusions

- Should the Suspension be for more than 15 days or the total of suspensions be more than 15 days in a term, or if it is a Permanent Exclusion, the Committee has a duty to convene a meeting between the 5th and the 16th school day after the date of receipt of an appeal.
- The Committee need not postpone a meeting if a police investigation of a potential crime associated with the reason for the exclusion is underway.
- The parents/carers, the Headteacher and a KCC Officer (if the school chooses) will be invited to the meeting at a time and a place convenient to all the participants within the statutory time limit. The parent and the school may each be accompanied by a friend/advisor.
- The Committee will ask for any written statements including witness statements in advance of the meeting
- The Clerk will circulate in advance of the meeting any written statements and a list of those who will be present at the meeting to all parties including the student if it is known that they will be present.

46. If a student has a number of lunchtime suspensions in any one term which add up to more than 5 school days, paragraphs 44 or 45 still apply.

Prior to the Meeting

47. The Committee should:

- not discuss the suspension with any party outside the meeting.
- identify the steps they will take to enable and encourage the student to attend the meeting and speak on their own behalf.

The Decision

Suspensions

48. The Committee will apply the 'balance of probabilities' standard of proof to the allegation of misconduct by the student. The more serious the allegation, the more convincing the substantiating evidence needs to be. This is not the same as requiring the criminal standard of 'beyond all reasonable doubt' to be applied.
49. The Clerk may help the Committee to make its decision by referencing the notes taken during the meeting, by reminding them of the statutory procedures that must be followed, where relevant, and by wording the decision letters afterwards.
50. In reaching a decision, the following applies:
- the Committee is legally required to consider the interests and circumstances of the student and have regard to the interests of other students and people working at the school.
 - the Committee should consider whether the decision to exclude the student was lawful, reasonable, proportionate and procedurally fair, taking account of the Headteacher's legal duties and any evidence that was presented to the Committee in relation to the decision to suspend
 - the Committee should be mindful that the government does not allow that suspension is justified for:
 - o A breach of uniform or appearance, except for persistent defiance
 - o Minor incidents such as failure to complete homework or to bring in money owed
 - o Poor academic work
 - o Lateness or truancy
 - o Pregnancy
 - o Misdeeds by a child who has special educational needs, except for very serious offences
51. It is possible that the Suspension may already have expired and the student is back in school. In that case:
- the Committee will decide whether the Headteacher's decision to suspend the student was justified, based on it being lawful, rational, reasonable, fair and proportionate
 - the outcome should be added to the student's record for future reference
52. In rare cases, the parents/carers may have already decided that they do not want their child reinstated whatever the Committee's decision. Under those circumstances, the Committee should simply record whether or not they believe the Headteacher's decision was justified. This view should be recorded and sent to the parents/carers.
53. If the suspension is still operative:

- the Committee will decide whether or not the Headteacher's decision to suspend was justified.
- they can either uphold the suspension, which will have to run its course, or
- direct the student's reinstatement either immediately or on a named date.

- 54.** The Committee, through the Clerk, must inform the parents/carers and the Headteacher of their decision in writing within one school day of the hearing, giving the reasons. They may not attach any conditions to any direction they have given the Headteacher to reinstate the student.
- 55.** The School has in place established procedures both for the return to school of a student whose suspension has been upheld, and for the reinstatement of a student whose suspension has been overturned. On their return, a student first has a meeting with the Headteacher or another member of the Senior Leadership Team responsible for the student's welfare, along with their parents/carers.

Permanent Exclusion

- 56.** The School follows government guidance which sets out reasons why it would normally be inappropriate to reinstate a student. These are:
- serious actual or threatened violence against another student or a member of staff
 - sexual abuse or assault
 - supplying illegal drugs
 - persistent and malicious disruptive behaviour, including open defiance or refusal to conform to school rules
- 57.** When the Committee decides to uphold a Permanent Exclusion, a letter to the parents/carers (or to the student if aged 18 or over) will state:
- their reason for the decision
 - the right of the family to appeal to an Independent Review Panel, together with the name and address of the person to whom any request for a review should be sent
 - the date by which any request for a review should be lodged
 - that any request for a review must set out the grounds on which the request is made
 - that any claims on grounds of disability discrimination can also be set out. If a case for discrimination is made, this will be referred to a First Tier Tribunal or a County Court.
- 58.** If the Committee decides to overturn the Permanent Exclusion, the decision as to whether the reinstatement is to be immediate or later will be conveyed to all parties. A note of the Committee's views on the Permanent Exclusion will be placed on the student's school record with copies of relevant papers.

Permanent Exclusions

Independent Review Panel

- 59.** Parents/carers have the right to request a review of the decision by the Committee to uphold a Permanent Exclusion. The School is responsible for managing and training independent panels concerning cases of permanent exclusion. An independent panel may:
- uphold an exclusion and not overturn the decision of the Committee

- recommend that the Committee reconsider its decision, taking into account the findings of the panel, or
- quash the Committee's decision and direct the Governing Body to reconsider reinstatement if the panel has grounds for believing that the decision was flawed

- 60.** When considering the decision in light of the principles applicable in an application for judicial review, the panel should apply the following tests:
- illegality – did the Governing Body act outside the scope of its legal powers in deciding that the student should not be reinstated?
 - irrationality – did the Governing Body rely on irrelevant points, fail to take account of all relevant points, or make a decision so unreasonable that no Governing Body acting reasonably in such circumstances could have made it?
 - procedural impropriety – was the Governing Body's consideration so procedurally unfair or flawed that justice was clearly not done?
- 61.** The School will appoint a Clerk to provide advice to the panel and parties to the review on procedure, legislation and statutory guidance on exclusions.
- 62.** The School must ensure that all panel members and clerks have received training within the two years prior to the date of the review.
- 63.** If requested by parents/carers, the School must appoint a SEND expert to attend the panel and will cover the associated costs of the appointment (regardless of whether the school recognises that the student has SEND).

Follow Up

- 64.** Where an application for an independent review has been made within 15 school days, the student will remain on the school roll until the review has been held and its outcome known.
- 65.** The Headteacher will, however, remove the name of a permanently excluded student from the school admissions register if:
- 15 school days have passed since the parents/carers were notified of the Committee's decision to uphold the Permanent Exclusion, or
 - the parents/carers have stated in writing that they will not be applying for an independent review.
- 66.** If the parents/carers go on to make a discrimination claim which is upheld by either a First Tier Tribunal or the County Court, the student must be re-instated.
- 67.** Should KCC place an excluded student with it, the School will not refuse to take such a student, unless it is full. However, if the student has already been excluded from two or more schools, then the Governing Body may refuse to take the student.

Financial Implications

- 68.** Should a student be Permanently Excluded, the appropriate sum allotted for that child's education will be deducted immediately from the school budget. The money will remain in the school budget for a little longer if the parent chooses to appeal to the Governing Body and then an independent review panel.

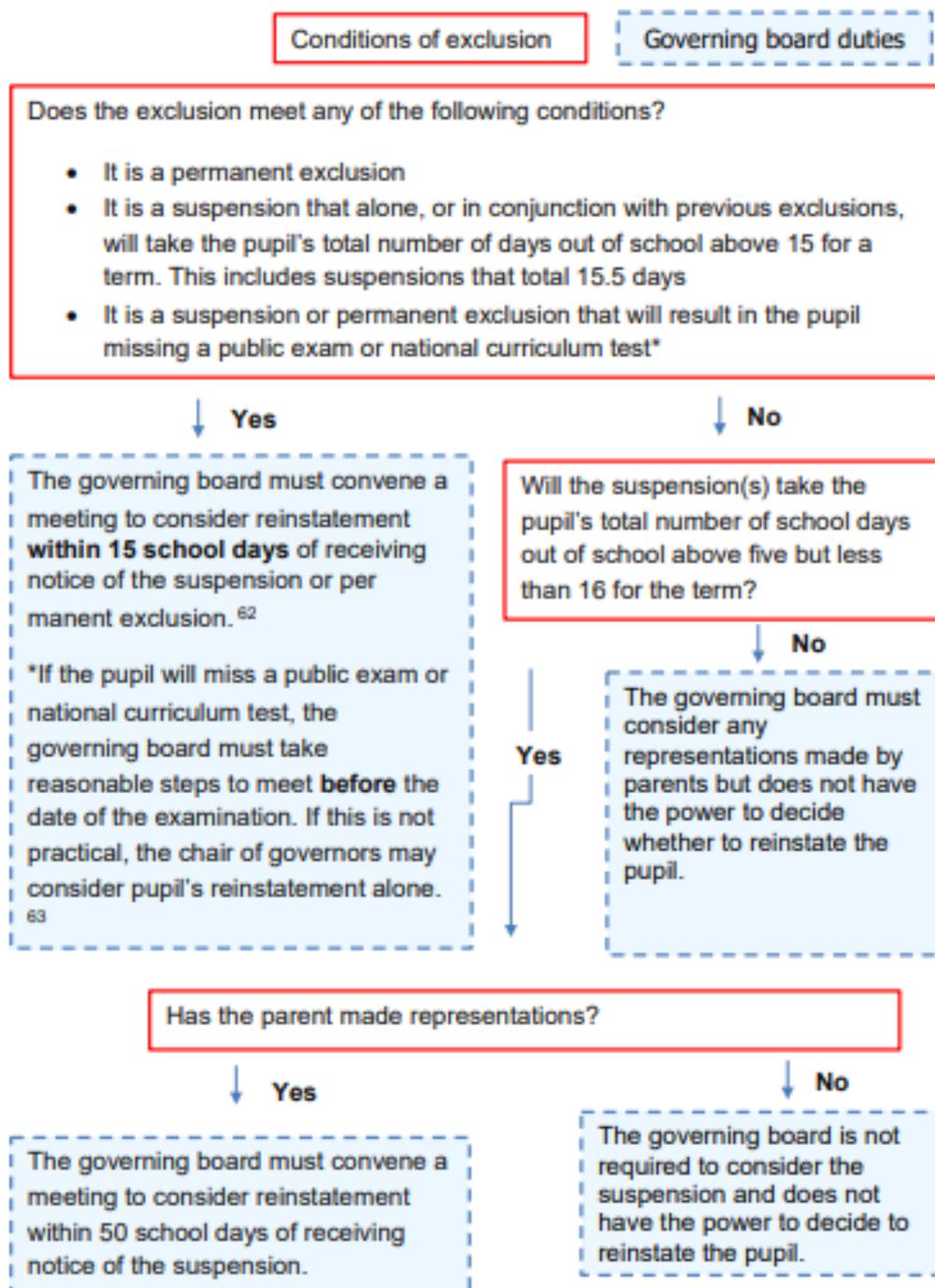
69. If an independent review panel directs the Governing Body to reconsider a permanent exclusion but the Governing Body upholds that exclusion, the school will be required to make a payment of £4,000 to KCC.
70. This is to ensure that the money follows the child to whatever form of education they receive after the exclusion. Special arrangements can be made if the child moves to another authority or would be about to move anyway from one phase of education to another e.g. at age 11.

Parenting Orders

71. Under the Anti-social Behaviour Act 2003, Local Authorities have powers to apply for a Parenting Order to help address children's behaviour in school. If necessary, the School will request KCC to make an application for a Parenting Order if it feels it necessary to help address a child's behaviour in school. A Parenting Order is a court order which compels parents/carers to attend parenting classes and to fulfil other requirements as determined necessary by the court for improving their child's behaviour.
72. Parenting Orders will only be considered following a Permanent Exclusion or a second suspension within 12 months, particularly if parents/carers have not responded to the opportunity to meet with the School or the Committee.

Appendix A

A summary of the governing board's duties to consider reinstatement⁶¹



⁶¹ Parents on diagram refer to parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

⁶² The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

⁶³ The ability for a chair to review in the case of public exams refers only to maintained schools.