



Suspension and Exclusion Policy

Signed by:

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31st March 2023

Date:

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31st March 2023

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Statement of intent

At Ashcroft School, we understand that good behaviour is essential for promoting a high-quality education.

Amongst other responses, the school recognises that suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending or excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding pupils should only be used as a means of last resort.

The school has created this policy to clearly define the legal responsibilities of the headteacher, governing board and LA when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

A “**suspension**” is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.

An “**exclusion**” is defined as the permanent removal of a pupil from the school, 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 pupils or staff in the school.

1. Legal framework

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

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The European Convention on Human Rights (ECHR)

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2022) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2022) 'Behaviour in Schools'
- 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:

- Behaviour Policy
- Anti-bullying Policy
- Pupil Code of Conduct
- Special Educational Needs and Disabilities (SEND) Policy
- Social, Emotional and Mental Health (SEMH) Policy
- Child Protection and Safeguarding Policy

2. Roles and responsibilities

Each placing authority is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- Arranging suitable full-time education for any pupil of compulsory school age 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 is responsible for:

- Arranging suitable full-time education from for any pupil of compulsory school age who is suspended over 5 days, from the 6th day onwards
- Considering parents' representations about suspensions and exclusions within 15 school days of receiving notice if the appropriate requirements are met.

- Where a suspension or exclusion would result in a pupil missing a public examination or test, considering the suspension or exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Considering the interests and circumstances of the suspended or excluded pupil, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the school.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's parents, the headteacher and the home authority of its decision and the reasons for it, without delay.
- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the suspensions and exclusions review panel.
- Using data to evaluate the school's practices regarding intervention, suspension and exclusion.

The headteacher is responsible for:

- Implementing good levels of behaviour support to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred. Ashcroft School is a specialist for pupils with Social, Emotional and Mental Health difficulties. All pupils have an ECHP with SEMH as their primary need. All due consideration must be given to each pupils individual needs before when considering the presenting behaviour and any resulting suspensions or exclusions.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent behaviours of concern.

- Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g. if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, those eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be suspended or excluded on safety grounds.
- Withdrawing any suspensions or exclusions that have not been reviewed by the governing board, where appropriate.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension or exclusion.
- Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a pupil's parents without delay where the decision is taken to suspend or exclude the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the governor responsible and home authority of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the governing board once per term of any exclusions in the headteacher's report to governors.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged.

3. Grounds for suspension or exclusion

The school will only suspend or exclude a pupil where it is absolutely necessary, and where all other possible actions or responses, as detailed in the school's Behaviour Policy, have failed to be successful.

The following examples of behaviour may warrant the 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

Pupils can be suspended on a fixed-period basis, i.e., for up to 45 school days within a year, or permanently excluded. Similarly, pupils can be permanently excluded following a suspension, where further evidence is presented. In all cases, the headteacher will decide whether a pupil will be subject to a suspension or an exclusion, depending on what the circumstances warrant. See flow chart below for decision process

The school has the power to direct a pupil off-site to support their behaviour.

4. The headteacher's power to suspend and exclude

Only the headteacher has the power to suspend or exclude a pupil from the school and is able to decide whether either a suspension or exclusion is appropriate. All suspensions and exclusions will only be issued on safety grounds.

The headteacher is able to suspend pupils where their behaviour is challenging during lunchtime. All lunchtime suspensions will be counted as half of a school day. The headteacher is also able to consider a pupil's challenging behaviour outside of the school premises as grounds for suspension or exclusion, in accordance with the school's Behaviour Policy.

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

Any decision made to suspend or exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the school's wider legal duties, including the ECHR. At all times, the headteacher will consider 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, or disability, and will not increase the severity of a pupil's suspension or exclusion on these grounds.

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 may cancel any suspension or exclusion that has already begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the governing board. Where a suspension or exclusion is cancelled, the headteacher will notify the pupil's parents, the governing board, the home authority, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The headteacher will offer the pupil's parents the opportunity to meet with the headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school.

The headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the governing board once per term to allow the governing board to have appropriate oversight.

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 agree. 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 School Information and Management System (SIMS)

5. Factors to consider when suspending or excluding a pupil

When considering the suspension or exclusion of a pupil, the headteacher will:

- Allow the pupil the opportunity to present their case once evidence has been collected.
- Consider any contributing factors that are identified after a case of concerning behaviour has occurred, e.g., if the pupil's well-being has been compromised or they have been subjected to bullying.
- Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year and whether suspension is serving as an effective sanction.
- Consider early intervention to address underlying causes of behaviours of concern, including liaising with external agencies to assess pupils who demonstrate consistently challenging behaviour.

The headteacher will consider what extra support may be available for vulnerable pupil groups whose suspension and exclusion rates are higher to reduce their risk of suspension or exclusion, including the following:

- LAC
- Pupils eligible for FSM
- Pupils with SEND
- Certain ethnic groups

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, mental health or other needs and vulnerabilities. The full assessment procedures are outlined in the school's Social, Emotional and Mental Health (SEMH) Policy.

All pupils attending Ashcroft School have an EHC plan with SEMH as their primary need. A graduated response outlined in the school's behaviour policy will be used if the pupil continues to endanger the physical or emotional well-being of other pupils or staff. Where, despite exhausting the graduated response process and the behaviour continues, a suspension or exclusion will be considered. In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be suspended or excluded before the graduated response process has been completed. Where a pupil is at risk of further suspensions or exclusions a Risk Assessment Management Plan (RAMP) will be created in order to further support the pupil in line with our Positive Behaviour Support Policy.

Where a pupil with SEND or SEMH issues is permanently excluded or where notice to end placement is given to the home authority 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. Regular communication with all parties will be prioritised, and the school will endeavour to complete the process of ending placements in conjunction with the Local authority and parents / carers. The headteacher will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

6. Preventative measures

Before deciding to exclude, the headteacher will consider whether it is in the best interests of all parties to initiate off-site directions and preventative measures to exclusion. Please refer to the school's Behaviour Policy.

7. Giving Notice

Where a child has been in placement for more than a full academic year, an individual placement may be terminated by either the school or the home authority, giving to the other not less than 6 weeks' notice. This is usually as part of an annual or interim EHC plan review and then followed by written confirmation of the intention to give notice. This could be extended up to 12 weeks by mutual agreement.

8. Duty to inform parents

Following the headteacher's decision to suspend or exclude a pupil, they will immediately inform the parents, in person or by telephone, supported by email communication, of the period of the suspension or permanency of the exclusion and the reasons behind this.

The headteacher will inform the parents in writing (or electronically if written permission has been received from the parents for notices to be sent this way) of the following:

- The reasons for the suspension or exclusion
- The length of the suspension or permanency of the exclusion
- Their right to raise any representations about the suspension or exclusion to the governing board, including how the pupil will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the governing board to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
- Relevant sources of free, impartial information

Where the pupil is of compulsory school age, the headteacher will inform the parents by the end of the afternoon session that for the period of the suspension or exclusion parents are

legally required to ensure that their child is not present in a public place during school hours without justification and that parents may receive a penalty fine if they fail to do so.

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 parents without delay and issue a new suspension or exclusion notice to parents.

9. Duty to inform the governing board and Home Authority

The headteacher will inform the governing board, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to exclude the pupil permanently)
- Any suspensions which would result in the pupil being suspended for more than 5 school days in a term (or more than 10 lunchtimes)
- Any suspensions or exclusions which would result in the pupil being absent from an examination or national curriculum test

For any other suspensions and exclusions, the headteacher will notify the governing board once per term.

The headteacher will inform the home authority of all suspensions or exclusions, regardless of their length, without delay.

All notifications to the governing board and home authority will include the reasons for suspension or exclusion and the duration of any suspension.

10. Duty to inform social workers and the virtual school head (VSH)

When a pupil has been suspended or excluded, the headteacher will, without delay, notify the pupil's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.

Social workers and / or the VSH will also be informed when a meeting of the governing board is taking place and will be invited to attend the meeting should they wish to do so.

11. Arranging education for suspended and excluded pupils

On the *very* rare occasion, we suspend more than five school days; the governing board will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of suspension. Where a pupil receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension. For exclusions, full-time education will be provided for the pupil from the sixth day of an exclusion.

The governing board will not arrange full-time education for any pupil who is currently in their final year of compulsory education and who does not have any further public examinations to sit.

The governing board is aware that it is beneficial to suspend and exclude pupils to begin their alternative education arrangements before the sixth day of suspension or exclusion; therefore, the governing board will always attempt to arrange alternative provision before the sixth day. Where it is impossible to arrange alternative provision during the first five days, the school will ensure that they take reasonable steps to set and mark work for the pupil.

If a pupil with SEND has been suspended or excluded, the governing board will ensure that:

- Any alternative provision is arranged in consultation with the pupil's parents, who are able to 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.

12. Considering suspensions and exclusions

The governing board will consider certain representations made by parents regarding suspensions and exclusions.

Parents and, where requested, a friend or representative, the headteacher, and a member of the home authority will be invited to attend any consideration of suspensions and exclusions and will be able to make representations. Any meeting to consider the reinstatement of a pupil will be arranged at a date and time convenient for all parties and in compliance with any statutory time limits.

Where it is appropriate to the pupil's age and level of understanding, the pupil will also attend any consideration meeting and will be enabled to make a representation on their own behalf if they desire to do so.

The governing board will consider the reinstatement of a suspended or excluded pupil where:

- The exclusion is permanent.
- The suspension is fixed-period and would bring the pupil's total number of suspended school days to more than 15 in any given term.
- The suspension or exclusion would result in the pupil missing a public examination.

In the case of a suspension where the pupil's total number of suspended days is more than 5 but less than 16 school days within a term, if parents make representations, the governing board will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the governing board will consider the reinstatement on their own.

Where a suspension will take a pupil's total number of school days out of school above five but less than 15 for the term, and parents have not requested a governing board meeting,

the governing board will not be required to consider the pupil's reinstatement, but it will have the power to do so if it deems it appropriate.

Where a suspension will not bring a pupil's total number of days of suspension or permanent exclusion to more than five days in a term, the governing board will consider all representations made by parents; however, the board cannot direct the reinstatement of the pupil, and it is not required to arrange a meeting with parents.

Where suspension or exclusion would result in a pupil missing a public examination, the governing board will consider the suspension or exclusion before the test to decide whether the pupil should be reinstated in time to take the examination. Where a risk assessment has been completed, and it is deemed safe to do so, a pupil will be allowed to come into school to sit the public examination.

Where it is not practicable for a sufficient number of governors to consider the decision before the examination, the chair of governors or the vice chair of governors, if necessary, will consider the suspension or exclusion alone and decide whether or not to reinstate the pupil.

13. Reaching a decision

After considering suspensions and exclusions, the governing board will either:

- Decline to reinstate the pupil.
- Direct the reinstatement of the pupil immediately or on a specified date.

If reinstatement would make no practical difference, e.g., if the pupil has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the governing board will still consider whether the pupil should be officially reinstated and whether the headteacher's decision to suspend or exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The governing board will apply the civil standard of proof when responding to the acts 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.

To reach a decision, the governing board will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the suspension or exclusion of the pupil was lawful, proportionate and fair, considering the headteacher's legal duties and any evidence that was presented to the governing board in relation to the decision.
- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.

- Inform the home authority (and social worker / VST where appropriate) of the outcome.
- Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the pupil.

14. Notification of considered suspensions and exclusions

The governing board will notify the parents of the suspended or excluded pupil, the headteacher, and the home authority of their decision following the consideration of a suspension or exclusion, in writing and without delay.

In the case of exclusion, where the governing board decides not to reinstate the pupil, they will notify the parents:

- That the exclusion is permanent.
- Of their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion.
- That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the governing board to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
- They are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

The governing board will also notify parents that if they believe a suspension or exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND) and that this should be within six months of when the discrimination allegedly took place.

After any conclusion, the governing board will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

15. Removing excluded pupils from the school register

The headteacher will remove pupils from the school register if:

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

If an application for an independent panel review has been made within 15 school days, the headteacher will wait until the review has been determined or abandoned and until the governing board has completed any reconsideration that the panel recommended or directed it to carry out before removing the pupil from the school register.

If a pupil's name is to be removed from the register, the headteacher will make a return to the home authority, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the pupil normally resides.
- The grounds upon which the pupil's name is to be removed from the register.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

16. Criminal investigations

The headteacher will not postpone taking a decision to suspend or exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.

Particular consideration will be given by the headteacher when deciding to suspend or exclude a pupil where evidence is limited by a police investigation to ensure that any decision made is fair and reasonable.

If the governing board is required to consider the headteacher's decision in these circumstances, they will not postpone the meeting and will decide based on the evidence available.

17. Using data

The headteacher will ensure that all data regarding suspensions and exclusions is collected and provided to the governing board on a termly basis. The governing board will review this data regularly in order to:

- Consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure that this is only being used as a last resort.

- Gather information on pupils who are taken off the roll and those who are on the roll but attending education off-site.
- Consider the effectiveness and consistency in implementing the Behaviour Policy.
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Understand the characteristics of suspended and excluded pupils and evaluate equality considerations.
- Gather information on where pupils are receiving repeat suspensions.
- Evaluate interventions in place to support pupils at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.
- Analysing whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives.

18. Monitoring and review

This policy will be reviewed annually by the headteacher or designated member of SLT in conjunction with the governing board. The next scheduled review date for this policy is December 2024

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

Flowchart for reviewing the headteacher's suspension or exclusion decision

