

Remarkable Autism Ltd
Redefining what's possible

Suspension & Exclusion Policy

March 2024

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Reviewer:	Head Teacher
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Updated:	March 2024
Next Review:	November 2024
Committee:	PDBA
Approved by:	

This policy should be read in conjunction with the following policies:	
1.	Behaviour Policy
2.	Anti-Bullying Policy
3.	Learner/student Code of Conduct
4.	SEND Policy
5.	Social, Emotional and Mental Health (SEMH) Policy
6.	Child Protection and Safeguarding Policy
7.	Parent Contract

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Change History Record			
Current Version	Previous Version	Summary of changes made	Section Heading & Page Number
March 2024	Nov 22	Updated to new format, added new logos	

Introduction

At Wargrave House School we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that the exclusion of learner/students may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy or Parent Contract. Excluding a learner/student may also be required in instances where allowing the learner/student to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding learner/students will only be used as a means of last resort.

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

Policy

The Deputy Head Teacher oversees all aspects of PDBA and liaises with the Head Teacher as necessary. The fortnightly PDBAR committee quality assure matters relating to all aspects associated with this policy. The REVEAL system is scrutinized weekly by the TLR holder responsible for behaviour. Once again any peaks are wherever possible proactively prevented through timely intervention(s). The implementation of LODDEN PROACTSCIPr acts as a further consistent mechanism of prevention minimizing the need for any physical intervention. Ultimately the wider mission, vision and values of Wargrave House, add in, underpin the policy with effective consistent liaison with parents/carers and local commissioners.

Roles and Responsibilities

The Local Authority (LA) will be responsible for:

- Arranging suitable full-time education for any learner/student of compulsory school age who is excluded permanently, in coordination with the school.
- Reviewing and reassessing learner/students' 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 Body will be responsible for:

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

The Head Teacher will be responsible for:

- Applying the civil standard of proof when establishing the facts in relation to an exclusion.
- Complying with their statutory duties in relation to learner/students with SEND when administering the exclusion process, as outlined in the SEND Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a learner/student has suffered bereavement, bullying or has a mental health issue.
- Considering what extra support may be needed to identify and address the needs of individual learner/students, particularly learner/students:
 - With SEND
 - Who are eligible for FSM (Free School Meals)
 - Who are LAC (Looked After Children)
 - From certain ethnic groups
- Engaging effectively with parents in supporting the behaviour of learner/students with additional needs.
- Instigating a multi-agency assessment to assess the behavioural issues of vulnerable learner/students when necessary in line with the school's Social, Emotional and Mental Health (SEMH) Policy.
- Arranging and attending a disciplinary meeting with the learner/student and their parents.
- Determining whether a learner/student will be excluded on disciplinary grounds.
- Ensuring any decision to exclude is lawful, rational, reasonable, fair, and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude a learner/student.
- Ensuring they have considered their legal duty of care when sending a learner/student home following an exclusion.
- Notifying a learner/student's parents without delay where the decision is taken to exclude the learner/student.
- Notifying the LA within 24 hours of their decision to exclude a learner/student where appropriate, as well as the learner/student's home authority if required.
- Organising suitable work for excluded learner/students where necessary.

- Considering problems, e.g. safeguarding concerns that may be caused by a temporary exclusion, e.g. inadequate supervision of the learner/student during the exclusion.

Grounds for Suspension or Exclusion

The school will only suspend or exclude a learner/student where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour

The following examples of learner/student behaviour may underline the school's decision to suspend or exclude a learner/student:

- Physical assault against a learner/student
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a learner/student
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Bullying
- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse
- The above list is not intended to be exhaustive, and it will remain at the discretion of the Head Teacher to determine if exclusion is an appropriate disciplinary action in response to an incident or series of incidents.
- Learner/students can be suspended on a fixed-period basis, i.e. up to 45 school days within an academic year, or permanently. Similarly, learner/students can be permanently excluded following a suspension, where further evidence is presented.
- In all cases, the Head Teacher will decide which exclusion period a learner/student will be subject to, depending on what the circumstances warrant.

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

The Head Teacher's power to suspend and exclude

Only the Head Teacher has the power to suspend or exclude a learner/student from the school, which is derived from the Parent Contract, and they will decide whether a suspension or exclusion is appropriate.

The Head Teacher is able to suspend learner/students from the premises where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day.

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

Any decision made to exclude a learner/student will be lawful, proportionate, and fair, with respect to the school's wider legal duties, including the ECHR. At all times, the Head Teacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, and will not increase the severity of a learner/student's exclusion on these grounds.

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

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

The school recognises that in certain circumstances a learner/student with Autism, SEMH or SEN need may need a period of time away from school to regulate following an incident or where there is a recognised risk. This follows managing children with autism best practice. In all instances this will be discussed and agreed with parents and the child will return to school as soon as their well-being is assured. These instances will not be treated or recorded as suspensions.

All suspensions and exclusions will be formally recorded on the Schoolpod.

Factors to consider when excluding a learner/student

A suspension or exclusion will only be imposed instantly if there is believed to be an immediate threat to the safety of staff and learner/students in the school or the learner/student themselves.

When considering the suspension or exclusion of a learner/student, the Head Teacher will:

- Ensure an appropriate investigation and evidence-recording process is carried out.
- Allow the learner/student the opportunity to present their case, accompanied by a member of staff or a parent if requested.
- Give adequate consideration to contributing factors that are identified after a case of poor behaviour has occurred, e.g. the learner/student's SEND, or if the learner/student's wellbeing has been compromised, or they have been subjected to bullying.

The Head Teacher will consider what extra support may be available for vulnerable learner/student groups, e.g. learner/students with SEND, whose suspension or exclusion rates are higher, to reduce their risk of exclusion.

The Head Teacher will consider avoiding permanently excluding LAC, learner/students with SEMH issues and learner/students with an EHC plan.

Where any member of staff has concerns about vulnerable learner/student groups and their behaviour, they will report this to the Head Teacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational and mental health needs, or other needs and vulnerabilities. The full assessment procedures are outlined in the school's Social, Emotional and Mental Health (SEMH) Policy.

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

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

Where a learner/student with SEND or SEMH issues is permanently excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these learner/students are closely tracked and showing that the school has a close relationship with the learner/student's next destination.

The Head Teacher will work in conjunction with the parents of any learner/student with additional needs to establish the most effective support mechanisms.

Duty to inform parents

The Head Teacher will inform the parents of a learner/student under investigation for an incident that may result in suspension exclusion as soon as is reasonably practical.

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

The Head Teacher will inform the learner/student's parents via written communication of the following:

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

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

If a learner/student with SEND has been excluded, the Head Teacher will ensure that:

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

Disciplinary meeting

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

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

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

At the meeting, the Head Teacher will ensure the following documents are available:

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

The Head Teacher will not be required to share confidential information, or the identities of learner/students or others who have provided information that has formed part of the evidence against a learner/student, with parents.

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

If the complaint is proved, the Head Teacher will inform the learner/student and their parents of the possible disciplinary actions and a decision will be given within **24 hours**.

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

Reviewing suspensions and exclusions

The governing board will consider any representations made by the learner/student's parents in regard to suspensions and exclusions that are

received in writing within **three working** days of notification – representations made after the deadline will be considered only at the discretion of the Head Teacher.

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

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

The Head Teacher will ensure appropriate arrangements are in place for the review if the learner/student has SEND or the parents have any disabilities that necessitate additional facilities or adjustments.

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

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

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

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

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

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

In attendance at the review meeting will be the members of the panel, an appointed clerk, the Head Teacher, the learner/student and their parents, and

any relevant staff member requested by the learner/student or their parents agreed upon by the Head Teacher.

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

Reaching a decision

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

The panel will decide if the disciplinary action was proportionate to the complaints made against the learner/student.

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

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

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

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

Legal Context

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

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

This policy operates in conjunction with the following school policies:

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

Policy Impact

We have a rolling programme for reviewing our Company policies. We regularly review the impact of our policies on the needs, entitlements and outcomes for students, service users, staff and parents.