

Newly created	September 2021
Reviewed	September 2022



Exclusion and Suspension Policy

Relationship to other policies

This policy should be read in conjunction with the school's Behaviour Policy as well as other relevant school policies, particularly the Inclusion Policy, Special Educational Needs Policy, Equality statement, Anti-Bullying Policy, Drugs, Education & Misuse Policy and Attendance Policy.

Guidance and legislation

This policy is drafted to be compliant with the '*Exclusion from maintained schools, academies and pupil referral units in England*' (September 2017) statutory guidance:

<https://www.gov.uk/government/publications/school-exclusion>

This policy also takes account of our public-sector equality duty set out in section 149 of the Equality Act 2010 and the SEN Code of Practice.

Statement of principles

Suspensions and Exclusions will only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; Permanent exclusion would only be considered if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

We seek to reduce the number of incidents leading to suspensions and exclusions by promoting a positive atmosphere of mutual respect and positive behaviour within the school. This is outlined in our behaviour policy.

We regularly monitor behaviour incidents, suspensions and exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

Authority to suspend or exclude

A suspension or exclusion from the school can only be authorised by the Headteacher or by a senior member of staff deputising on their behalf.

Decision to suspend or exclude

A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. They can also be excluded permanently.

The decision to exclude a student permanently is a serious one. It will usually be the final step in a process following a wide range of other strategies which have been tried without success.

There will be exceptional circumstances where in the Head teacher's judgement it is appropriate to permanently exclude for a 'first' or 'one off' offence. This could include:

- Any violent act or serious violent threat against another student or member of staff
- Sexual Misconduct
- Possession, use or distribution of prohibited items

The above instances are not exhaustive and will include any actions by students which endanger the health and safety of others

The decision to suspend or exclude a pupil will always consider whether the decision is lawful, rational, reasonable, fair and proportionate.

When establishing the facts in relation to a possible suspension or exclusion, the Headteacher will always apply the civil standard of proof i.e. on the balance of probabilities it is more likely than not that a fact is true.

When considering suspension or exclusion, the Headteacher will take into account:

- Possible short-term mitigating factors such as bereavement, mental health issues or other adverse circumstance.
- Whether the pupil comes into a category that is known to be a particularly vulnerable group (e.g. pupils with SEN, FSM pupils; looked after children; previously looked after children; and certain ethnic groups; traveller children)

And whether a pupil has already had a number of suspensions which appear to have been ineffective.

The Headteacher will not suspend or exclude any pupil for non-disciplinary reasons eg. minor incidents, poor academic performance, truancy, pregnancy, behaviour of parents and carers; and will not use exclusion informally or unofficially, children will not be sent home to 'cool off' even with parents and carers' permission as this is not lawful.

The decision to suspend or exclude a pupil is not taken lightly and the Headteacher will:

- Ensure that a thorough investigation has been carried out.
- Consider all the evidence available to support the allegations.
- Allow the pupil to give their version of events. Where practical, the Headteacher will ensure that the suspended/excluded student/s is/are enabled and encouraged to participate at all stages of the suspension/exclusion process, taking into account their age and understanding.
- Take account of his/her legal duty of care when sending a pupil home following an exclusion. It may be necessary to make 'holding' arrangements until the pupil can be collected.
- Keep a written record of the actions taken including the signed statements of witnesses. Any suspension or exclusion of a pupil, even for short periods of time, will be formally recorded. The head teacher may retain any instrument weapon or substance that has been a key factor in the incident that lead to the suspension or exclusion and/or is relevant to the school's investigation
- Seek guidance from the Local Authority School Inclusion Coordinator, the police; and Legal Services where appropriate.

- In the case of Looked After Children and Previously Looked After Children, the Head teacher will consult with the Virtual School Head teacher prior to taking the decision to suspend or permanently exclude. We will wherever possible try and avoid the suspension or exclusion of Looked After Children or Previously Looked After Children.

As alternatives to suspensions or exclusion the Headteacher may:

- use internal exclusion systems such as time out in designated areas of the school
- direct a pupil for education off-site to improve behaviour,
- In some situations, consider a managed move via Merton’s Primary Fair Access Protocol in consultation and with full agreement of the parents and carers.

Behaviour related to a protected characteristic

We will take care to ensure that a decision to suspend or exclude does not involve any kind of discrimination as defined by the Equality Act 2010. We will not discriminate against pupils on the basis of protected characteristics, such as disability or ethnicity.

The school will make reasonable adjustments for managing behaviour which is related to a pupil’s disability. Where suspension or exclusion needs to be considered, the school will ensure that a pupil with a disability is able to present his or her case fully where the disability might hinder this.

We recognise that disruptive behaviour can be an indication of unmet needs. Where we have concerns about a pupil’s behaviour, we will try to identify whether there are any causal factors and try to intervene early in order to reduce the need for a subsequent suspension or exclusion. We will consider whether a multi-agency assessment that goes beyond a pupil’s educational needs is required. We will also consider whether a referral to an outside agency would be beneficial e.g. Merton’s Language, Behaviour and Learning team, Education Psychology Services, Early Help, Traveller Education Service or CAMHS.

Lunchtime Suspensions

A suspension can be for parts of the school day. For example, pupils whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. In such cases the requirements in relation to suspension, such as the Head teacher’s duty to notify parents and carers, the Governing Body and the Local Authority still apply. Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a Governing Body meeting is triggered.

Action following any suspension or exclusion

Informing parents and carers

The Headteacher will immediately provide the following information to parents and carers of a suspended/excluded pupil:

- The reason(s) for the suspension/exclusion.
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

- Information about parents and carers' right to make representations about the suspension/exclusion to the governing board and how the pupil may be involved in this.
- Where there is a legal requirement for the Governing Body to meet to consider the reinstatement of a pupil, and that parents and carers have a right to attend a meeting, be represented at a meeting and to bring a friend.

The Headteacher will also notify parents and carers by the end of the afternoon session on the day their child is suspended/excluded that for the first five school days of a suspension/exclusion, or until the start date of any alternative provision where this is earlier, parents and carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents and carers may be given a fixed penalty notice or prosecuted if they fail to do this.

Informing the Governing Body and Local Authority

The Headteacher will immediately notify the Governing Body and the local authority (LA) of any permanent exclusion; suspensions which would result in the pupil being suspended for more than five school days (or more than 10 lunchtimes) in a term; and suspensions/exclusions which would result in the pupil missing a public examination.

In these circumstances if the pupil lives outside the local authority area in which the school is located the head teacher must also notify the pupil's 'home authority' of the suspension/exclusion and the reason(s) for it without delay.

Alternative education

For a suspension of more than five school days for a pupil of compulsory school age, the school has a legal duty to arrange suitable full-time education for the pupil to begin no later than the sixth day. However, the school and Governing Body will attempt to start this provision as soon as possible. For a looked-after child, the school will work in consultation with the Virtual School and other relevant teams in the Local Authority to attempt to arrange alternative provision from the first day following the suspension/exclusion.

Reintegration meeting

All students returning from a suspension are required to attend a reintegration meeting, accompanied by a parent. This meeting will seek to establish practical ways in which further suspension/exclusion can be avoided and how behaviour can be improved. This discussion would involve student, parent and school. The reintegration meeting could also include other agencies working with the family and Merton's School Inclusion Coordinator, where appropriate.

Considering the reinstatement of a pupil

The Governing Body will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- the exclusion is permanent
- it is a suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term
- it would result in a pupil missing a public examination.

- If requested to do so by parents and carers and the suspension totals more than 5.5 school days in one term

The Discipline committee of the Governing Body will consider the suspension/exclusion and decide whether or not to reinstate the pupil.

The committee can either decline to reinstate the pupil, or direct the reinstatement of the pupil immediately, or on a particular date.

In reaching a decision, the committee will consider whether the suspension/exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record. The committee will notify, in writing, the Headteacher, parents and carers and the Local Authority of its decision, along with reasons for its decision, without delay.

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

- The fact that it is permanent.
- Notice of parents and carers' right 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 an 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 pupil's SEN are considered to be relevant to the exclusion
 - that, regardless of whether the excluded pupil has recognised SEN, parents and carers have a right to require the Local Authority to appoint a SEN expert to attend the review
 - details of the role of the SEN expert and that there would be no cost to parents and carers for this
 - that parents and carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents and carers may also bring a friend to the review.
- That if parents and carers 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 six months of the date on which the discrimination is alleged to have taken place.
- Availability of free and impartial advice.
- The committee should set out the reasons for its decision in sufficient detail to enable all parties to understand why the decision was made.

Removing a permanently excluded pupil's name from the school register

- The governing board must ensure that a pupil's name is removed from the register if 15 school days have passed since the parents and carers were notified of the governing board's decision to not reinstate the pupil and no application has been made for an independent review panel; or the parents and carers have stated in writing that they will not be applying for an independent review panel.
- Where an application for an independent review panel has been made within 15 school days, the school must wait until the review has been determined or abandoned; and the governing board has completed any reconsideration recommended or directed by the panel before removing a pupil from the register.