



Suspension & Permanent Exclusion Policy

2023 - 2024

Aims

Denton Community College aims to ensure that:

- The suspension / permanent exclusion process is applied fairly and consistently
- The suspension / permanent exclusion process is understood by governors, staff, parents and students
- Students in College are safe and happy
- Students do not become NEET (Not in Education, Employment or Training)

Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education (DfE): Suspension and Permanent Exclusion from maintained schools, academies and student referral units (PRUs) in England.

The principle legislations to which this policy relates are:

- The Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Students) (England) (Amendment) Regulations 2014. Sections 64-68 of the School Standards and Framework Act 1998
- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded students
- Section 579 of the Education Act 1996, which defines 'school day'

The decision to suspend or permanently exclude

Only the Headteacher or Acting Headteacher, can suspend or permanently exclude a student from school. A permanent exclusion will only be taken as a last resort.

Our College is aware that off-rolling is unlawful.

Ofsted defines off-rolling as:

'...the practice of removing a student from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the student.'

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

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

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

Before deciding whether to suspend / permanently exclude a student, the Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension or permanent exclusion were provoked
- Allow the student to give their version of events
- Consider if the student has special educational needs (SEND)

Definition

For the purposes of suspensions, a College day is defined as any day on which there is a College session. Therefore INSET or staff training days do not count as a College day.

Roles and Responsibilities

The Headteacher:

Only the Headteacher of a school can suspend or permanently exclude a student on disciplinary grounds. A student may be suspended for one or more fixed periods (up to a maximum of 45 College days in a single academic year), or permanently excluded.

A student's behaviour outside College can be considered grounds for a suspension or permanent exclusion. Any decision of a Headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties), reasonable, fair and proportionate.

When establishing the facts in relation to a suspension or permanent exclusion decision the Headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the Headteacher should accept that something happened if it is more likely that it happened than that it did not happen. The Headteacher must take account of their legal duty of care when sending a student home following a suspension or permanent exclusion.

Headteachers should also take the student's views into account, considering these in light of their age and understanding, before deciding to suspend, unless it would not be appropriate to do so. They should inform the student about how their views have been factored into any decision made. Where relevant, the student should be given support to express their view, including through advocates such as parents or, if the student has one, a social worker. Whilst a suspension may still be an appropriate sanction, the Headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider paragraph 45 of the Behaviour in Schools guidance.

Informing Parents

The Headteacher will immediately provide the following information, in writing, to the parents of a suspended student:

- The reason(s) for the suspension or permanent exclusion
- The period of a suspension or, for a permanent exclusion, the fact that it is permanent
- Parents' right to make representations about the suspension or permanent exclusion to the Governing Board (in line with the requirements set out in paragraphs 95 to 105) and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Governing Board to consider the suspension or permanent exclusion, that parents or a student if they are 18 years old have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

The Headteacher will also notify parents by the end of the afternoon session on the day their child is suspended that for the first 5 College days of a suspension, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during College hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of a suspension:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the student to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of a suspension, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the Governing Board and Local Authority

The Headteacher will immediately notify the Governing Board and the Local Authority of:

- Any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the student)
- Any suspension or permanent exclusion which would result in the student being suspended or permanently excluded for a total of more than five College days (or more than ten lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the student missing a public examination or national curriculum test.

For a permanent exclusion, if the student lives outside the local authority area in which the College is located, the Headteacher must also notify the student's 'home authority' of the permanent exclusion and the reason(s) for it without delay. The Headteacher must also inform the Governing Board once per term of any other suspensions of which they have not previously been notified.

The Governing Board

Responsibilities regarding suspensions are delegated to a panel of the Governing Board, which will consist of at least 3 governors.

The Governing Board has a duty to consider the reinstatement of a suspended student (see section 6).

Within 14 days of receipt of a request, the Governing Board will provide the Secretary of State and the Local Authority with information about any suspensions in the last 12 months.

For a suspension of more than 5 College days, the Governing Board will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the suspension.

Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

The Local Authority

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

Considering the reinstatement of a student

The Governing Board must consider and decide on the reinstatement of a suspended or permanently excluded student within 15 College days of receiving notice of a suspension or permanent exclusion from the Headteacher if:

- It is a permanent exclusion
- It is a suspension which would bring the student's total number of College days out of College to more than 15 in a term
- It would result in the student missing a public examination or national curriculum test

The requirements are different for suspensions where a student would be suspended for more than five but less than 16 College days in a term. In this case, if the parents make representations, the Governing Board must consider and decide within 50 College days of receiving the notice of suspension whether the suspended student should be reinstated. In the absence of any representations from the parents, the Governing Board is not required to meet and cannot direct the reinstatement of the student.

Where a suspension or permanent exclusion would result in a student missing a public examination or national curriculum test, there is a further requirement for a Governing Board. It must, so far as is reasonably practicable, consider and decide on the suspension or permanent exclusion before the date of the examination or test. If it is not practical for sufficient governors to consider the reinstatement before the examination or test, the chair of governors, in the case of a maintained school, may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the student.

The Governing Board can either:

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

In reaching a decision, the Governing Board will consider whether the suspension was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to suspend.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the student's educational record.

The Governing Board will notify, in writing, the Headteacher, parents and the Local Authority of its decision, along with reasons for its decision, without delay.

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

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel
- 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 student's special educational needs (SEN) are considered to be relevant to the exclusion
- That, regardless of whether the suspended student has recognised special educational needs (SEN), parents have a right to require the Local Authority to appoint a special educational needs (SEN) expert to attend the review
- Details of the role of the special educational needs (SEN) expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an special educational needs (SEN) expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

An Independent Review

If parents apply for an independent review, the Local Authority will arrange for an independent panel (Independent Review Panel – IRP) to review the decision of the Governing Board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 College days of notice being given to the parents by the Governing Board of its decision to not reinstate a student.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a five member panel is constituted, 2 members will come from the school governor's category and 2 members will come from the Headteacher category. Other categories include:

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Headteachers during this time
- Headteachers or individuals who have been a Headteacher within the last 5 years

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

- Are a member of the Local Authority, or Governing Board of the excluding school
- Are the Headteacher of the excluding school, or have held this position in the last 5 years

- Are an employee of the Local Authority, or the Governing Board, of the excluding school (unless they are employed as a Headteacher at another school)
- Have, or at any time have had, any connection with the Local Authority, College, Governing Board, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel

The independent panel will decide one of the following:

- Uphold the Governing Board's decision
- Recommend that the Governing Board reconsiders reinstatement
- Quash the Governing Board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

College Registers

The Governing Board must ensure that a student's name is removed from the College admission register if:

- 15 College days have passed since the parents were notified of the Governing Board's decision to not reinstate the student and no application has been made for an IRP
- The parents have stated in writing that they will not be applying for an IRP.
- The College cannot backdate the deletion of the student's name to the date the student's exclusion began.
- Where an application for an IRP has been made within 15 College days, the College must wait until the review has been determined, or abandoned, and until the Governing Board has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a student's name from the register.
- Where a student's name is to be deleted from the College admissions register because of a permanent exclusion the College must make a return to the Local Authority.

Returning from a suspension

Following a suspension, a re-integration meeting will be held involving the student, and where appropriate the parents / carers and a member of senior staff. All students returning from a suspension will be expected to complete a restorative form with their Head of Year or a Behaviour Manager.

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

- Return from Suspension Agreement forms being completed with a parent / carer
- Referral to a Behaviour Manager

A student who has had 5 days suspension in a term will have a meeting with a Head of Year or Behaviour Manager.

A Student who has had 10 days suspension in a term will have a meeting with the Head of Year and a member of the Senior Leadership Team with a parent / carer.

Students who have 15 days or more in a term are subject to a Governing Board panel with parents / carers.

Monitoring Arrangements

The Office manager and the Assistant Headteacher monitor the number of suspensions every term and report back to the Headteacher. They also liaise with the Local Authority to ensure suitable full-time education for suspended students.

This policy will be reviewed annually by the Senior Leadership Team. At every review the policy will be shared with the Governing Board.

Links with other policies

This suspensions policy is linked to our:

- Behaviour Policy
- SEN Policy
- SEND Information Report

Review Date: September 2024



Return From Suspension Agreement

2023 - 2024



Name of Student: _____

Form Group: _____

Date of Return: _____

Head of Year / Behaviour Manager Present: _____

Following your Fixed Term Suspension, we will now review what behaviours have caused this and how you can prevent this from reoccurring. We will also look at how we can support you as a College.

Number of days suspended:	
Reason for suspension:	

What do I need to improve? *(To be completed by the student)*

What can Denton Community College offer in terms of support to aid you in this? *(To be completed by staff with guidance from what the student should they have any reasonable requests that we can meet)*

I agree that going forward I will endeavour to ensure my behaviour follows the rules outlined in the Denton Community College Behaviour Policy.

I recognise that should I feel that my behaviour is deteriorating, it is my responsibility to speak to a member of staff, who will help me make the correct choices and avoid further sanctions.

Signed (Student): _____

Signed (Staff): _____

Date: _____