

SUSPENSIONS AND EXCLUSIONS POLICY

Ely College

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Link to associated DfE policy:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101498/Suspension and Permanent Exclusion from maintained schools academies and pupil referral units in England including pupil movement.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101498/Suspension_and_Permanent_Exclusion_from_maintained_schools_academies_and_pupil_referral_units_in_England_including_pupil_movement.pdf)

ELY COLLEGE EXCLUSION & SUSPENSION POLICY

Scope and publication: The policy sets out guidelines and circumstances under which a pupil may be suspended on a fixed term or permanent basis (Exclusion) from Ely College and applies to all students at the College, including those who may be below or above compulsory academy age. The Policy is available on the Academy's website and can be made available in large print or another accessible format if required.

Guidance and legislation: This policy is drafted to be compliant with the Statutory Guidance "Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools, academies, and pupil referral units in England" September 2023. This Policy contains a summary of this guidance and is not intended to provide a full account of all the guidance content. This policy also takes account of the Academy's public sector equality duty set out in section 149 of the Equality Act 2010.

Pupil participation: Excluded or Suspended pupils will be enabled and encouraged to participate at all stages of the exclusion / suspension process, considering their age and understanding.

Consideration has been given to workload impact.

Aims

The aims of this policy are:

- to support the College's Behaviour Policy.
- to assist the College in complying with legislation and guidance.
- to promote procedural fairness and natural justice in relation to exclusions & suspensions; and
- to encourage and support co-operation between the College and parents/carers when a pupil is excluded or suspended from the College, either temporarily for a fixed term or permanently.

The decision to exclude

A student may be suspended for one or more fixed periods or permanently (Exclusion). Only the Principal can exclude & suspend a pupil, and this must be on disciplinary grounds.

The main categories of misconduct which might result in suspension or exclusion are:

- supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol, tobacco, or vaping.
- theft, extortion, physical violence, intimidation, Discrimination based on an individuals protected characteristics i.e., racism or homophobia or persistent bullying to students and staff.
- misconduct of a sexual nature, supply, or possession of pornography.
- possession or use of unauthorised firearms, knives, or other weapons.
- vandalism or computer hacking.
- other serious misconduct which affects the welfare of a member or members of the Academy Community (single or repeated episodes) on or off Academy premises or via social media.

The behaviour of pupils outside academy: can be considered as grounds for exclusion or suspension. This will be a matter of judgement for the principal in accordance with the Academy's Behaviour Policy.

Standard of proof: When establishing the facts in relation to an exclusion or suspension decision the principal will 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.'

Behaviour related to a protected characteristic: The decision to exclude or suspend a pupil will be lawful, reasonable, fair, and proportionate. We will not discriminate against students based on protected characteristics, such as disability or race. The College will make reasonable adjustments for managing behaviour which is related to a pupil's disability. Where exclusion or suspension needs to be considered, the College will ensure that a disabled pupil is able to present his or her case fully where the disability might hinder this.

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

- ensure that a thorough investigation has been conducted, usually by a member of the Leadership Team.
- consider all the evidence available to support the allegations.
- allow and encourage the student to give their version of events.
- keep a written record of the actions taken including the signed statements of witnesses. Any suspension of a pupil, even for short periods of time, will be formally recorded; and
- be confident that the procedures detailed in this policy and the Statutory Guidance have been carried out.

Notification to parents/carers: If the Principal decides to exclude or suspend a pupil they will, without delay, notify parents/carers of the period of the exclusion or suspension and the reasons for it. The principal will also, without delay, provide parents/carers with the following information in writing:

- the reasons for the exclusion / suspension.
- the period of a fixed period suspension or, for a permanent exclusion, the fact that it is permanent.
- parents/carers' right to make representations about the exclusion to the Academy Council and how the pupil may be involved in this.
- how any representations should be made.
- that where there is a legal requirement for the Academy Council to consider the exclusion or suspension, that parents/carers have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
- where an excluded or suspension pupil is of compulsory academy age that for the first five academy days of an exclusion (or until the start date of any alternative provision where this is earlier) parents/carers are legally required to ensure that their child is not present in a public place during college hours without reasonable justification; and
- other required information under the Statutory Guidance.

Notification to Local Authorities and Academy Council: The Principal will inform the Academy Council and the relevant local authorities of all permanent exclusions; suspensions which would result in the student being excluded or suspended for more than five college days in any one term; and exclusions or suspensions which would result in the pupil missing a public examination or national curriculum test, within one college day of the decision and will provide detailed exclusion reports. For all other exclusions and suspensions, the principal will notify the local authority and Academy Council once a term.

Sent home: Once the decision has been made to exclude or suspend, a pupil will only be sent home once contact has been made with parents/carers and where the student will be returning to a place of safety. Work will be provided and either sent with the pupil or arrangements made for collection.

Public places: During the first five days of any suspension or exclusion, the parents/carers of an excluded or suspended pupil must ensure that they are not present in a public place during normal academy hours without reasonable justification, whether with or without a parent/carer. Failure to comply with this is an offence for which a fixed penalty notice can be issued.

Fixed-term exclusions: A pupil may be suspended for one or more fixed periods, up to a maximum of forty-five academy days in a single College year. A decision to suspend a student for a fixed term may be taken in response to breaches of the Colleges Behaviour Policy. A pupil may be subject to a fixed term suspension and be required to stay at home whilst a complaint is being investigated or while an investigation is adjourned.

Lunchtime exclusions: Pupils whose behaviour at lunchtime is disruptive may be suspended from the academy premises for the duration of the lunchtime period. In such cases the requirements in relation to suspension, such as the principal's duty to notify parents/carers, still apply. Lunchtime suspensions are counted as half an academy day for statistical purposes and in determining whether an Academy Council meeting is triggered.

Set work: During a fixed term suspension of five or fewer days, work will be set by the College for the pupil to complete at home. This work should be returned completed at the end of the suspension for marking. Parents/carers should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set. Alternatively, the pupil may be placed under a segregated regime on the College premises.

Educational provision: For a fixed period, suspension of more than five College days, the Academy Council will arrange suitable full-time education for any pupil of compulsory academy age. This provision will begin no later than the sixth day of the exclusion. Provision does not have to be arranged for pupil in the final year of compulsory education who do not have any further public examinations to sit.

Reintegration: Before the end of any fixed-term suspension, parents/carers will be invited to attend a reintegration meeting at the Academy with their son/daughter. The purpose of the meeting is to ensure that the student understands the reason for the suspension and is committed to preventing the behaviour that led to the suspension from being repeated. The academy will consider all further support needed to help the student, including referral to external agencies if appropriate. The pupil may also spend a period in Isolation, Alternative provision and on report to support their reintegration.

Permanent exclusion: Permanent exclusion is an extremely serious step to take and has a significant impact on the ability of a student to access education in the future. It is only used where it is unavoidable and where every possible appropriate alternative has been considered. Permanent exclusion will only be used as a last resort, in response to a serious breach, or persistent breaches, of the Colleges Behaviour Policy; and where allowing the student to remain in the College would seriously harm the education or welfare of the pupil or others in the academy.

The principal will meet with the parents/carers and the pupil before reaching a decision to permanently exclude a student. Under normal circumstances, a pupil will be suspended for a fixed term before the decision is made to permanently exclude.

Educational provision: for permanent exclusions, the local authority will arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion.

Academy Council Consideration

The Academy Council has responsibility for supporting the principal in making decisions and reviewing them in relation to exclusions & suspensions. In some circumstances the Academy Council will automatically consider the principal's decision to exclude or suspend a pupil, and in other circumstances, a parent/carer may request the Academy Council to consider the principal's decision to exclude or suspend.

Automatic considerations: the Academy Council will automatically consider the reinstatement of an excluded or suspended pupil, within 15 College days of receiving notice of the exclusion, if:

- the exclusion is permanent.
- it is a fixed period exclusion which would bring the pupil's total number of college days of suspension to more than fifteen in a term; or
- it would result in a pupil missing a public examination or national curriculum test (in which case the Academy Council will take reasonable steps to meet before the date of the examination and if this is not practical, the chair of academy councillors may consider pupil's reinstatement independently).

Requests by parents/carers: Parents/carers may, without delay, request in writing that the Academy Council consider an exclusion or suspension when the exclusion or suspension takes the pupil's total days of exclusion or suspension above five for the term. If requested to do so by the parents/carers, the Academy Council will consider the reinstatement of an excluded pupil within fifty academy days of receiving notice of the exclusion or suspension. In the case of a fixed period suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the Academy Council must consider any representations made by parents/carers, but it cannot direct reinstatement and is not required to arrange a meeting with parents/carers.

Procedure: In considering an exclusion or suspension, the role of the Academy Council is to arrange and hold a meeting in accordance with the Statutory Guidance with at least three governors, the principal, and the parents/carers and then:

- uphold the exclusion or suspension; or
- direct the pupil's reinstatement immediately or on a particular date.

In reaching a decision on whether to reinstate a pupil, the Academy Council will consider whether the decision to exclude / suspend the student was lawful, reasonable, and procedurally fair, taking account of the principal's legal duties. When establishing the facts the Academy Council will apply the civil standard of proof, as defined above.

Notification: In accordance with the Statutory Guidance, the Academy Council will notify the parents/carers, the principal and relevant local authorities, in writing without delay and no later than three academy days after the meeting:

- their decision.
- the reasons for their decision.
- where relevant, details of the Independent Review procedures and the date by which an application for a review must be made (15 academy days from the date of the Academy Council decision letter); and
- other information required within the Statutory Guidance, including the right to request a SEND expert at the Independent Review.

Independent Review Panel

Request for an Independent Review: Parents/carers may request an independent review of the Academy Council's decision to uphold the decision to permanently exclude a pupil. The request for a review must be made to Clerk to the Academy Council setting out the grounds on which it is made in writing and within 15 academy days of the date of the Academy Council's decision letter or within 15 academy days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion. Any application after this time frame will be rejected.

Responsibility for setting up the Independent Review: Meridian Academies Trust has delegated responsibility for setting up the independent review to the Academy Council of Ely College.

Timing: A Review Panel will meet to review the decision to exclude within fifteen academy days after the day on which the request for the review was received. Parents/carers will be informed of the date and location of the hearing. The hearing may be adjourned if the panel consider that it would not be appropriate to proceed, for example where additional information is required.

Composition of the Review Panel: The Review Panel will consist of three or five appropriately trained independent members and will be appointed in accordance with the Statutory Guidance. A clerk to the panel will also be appointed who can provide independent advice to all the parties and will circulate all written evidence to the parties at least five academy days before the hearing. Parents/carers should contact the clerk if they have any questions about this procedure.

Role of the panel: The Review Panel will rehear all the facts of the case, including any fresh evidence. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the College. The panel will apply the civil standard of proof, as defined above. The Review Panel does not have the power to direct the Academy Council to reinstate an excluded pupil. The Review Panel may:

- uphold the decision to permanently exclude.
- quash the decision and direct that the Academy Council considers the exclusion again; or
- recommend that the Academy Council reconsider its decision.

A direction to reconsider: will be limited to circumstances where a panel decides that the College has acted illegally, irrationally, or where there are significant flaws in procedure.

Reconsideration: Where the panel directs or recommends that the Academy Council reconsiders their decision, the Academy Council will reconvene to do so within ten academy days of being given notice of the panel's decision. If the Academy Council does not subsequently offer to reinstate a pupil, an adjustment may be made to the Colleges budget in the sum of £4,000. The College, as an Academy, would be required to make an equivalent payment directly to the local authority. This payment will be in addition to any funding that would normally follow an excluded pupil.

Decision and notification: The panel's decision is binding on the student, the parents/carers, the Academy Council, the Principal, the Local Authority, and the Academy Trust. All parties will be informed in writing, without delay and by the end of the second working day after the hearing of:

- the decision.
- the reasons for it; and
- any information which must be recorded on the pupil's educational record to reflect the decision.

- If the exclusion is upheld, the clerk will immediately inform the relevant local authorities.

Complaint: If parents/carers have a complaint about maladministration by the Review Panel, they should contact the Education Funding Agency (EFA).

This document sets out template letters, specifically drafted for academies. The letters have been drafted to comply with exclusion legislation and the Statutory Guidance “Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools, academies, and pupil referral units in England” September 2022 as well as Equality legislation. The letters are only templates and will require significant amendment to each case before use.

The information provided in the letters should be clear and easy to understand. Where the parents/carers’ first language is not English, consideration should be given where practical to translating the letter or taking additional steps to ensure the details in the letters are communicated.

The Letter from the Principal

The letter informing parents / carers of their child’s suspension or exclusion must be sent without delay from the principal, in writing.

Note that if the exclusion is permanent, would result in the pupil being suspended for more than five academy days, or more than ten lunchtimes in a term, or means that the student will miss a public exam or national test, then the Principal must also notify the Academy Council and the Local Authority(s) of the exclusion or suspension and the reasons, without delay. For all other suspensions, the principal must notify the Academy Council and Local Authority(s) once a term.

The letter from the Governors

The Academy Council has responsibility for supporting the principal in making decisions and reviewing them in relation to exclusions & suspensions. In some circumstances the Academy Council will automatically consider the principal’s decision to exclude or suspend a pupil, and in other circumstances, a parent / carer may request the Academy Council to consider the principal’s decision to exclude or suspend:

In considering an suspension or exclusion, the role of the Academy Council is to arrange and hold a meeting (within 15 academy days of receiving notice of the suspension / exclusion for automatic consideration and within 50 academy days if requested to consider by parents/carers – and before a test/exam if the student has one due) in accordance with the Statutory Guidance with at least three academy councillors, the Principal and the parents/carers and then:

- uphold the exclusion.
- direct the pupil’s reinstatement on a particular date.

In reaching a decision on whether to reinstate a student, the academy councillors will consider whether the decision to exclude the pupil was lawful, reasonable, and procedurally fair, taking account of the principal’s legal duties. When establishing the facts, the academy councillors will apply the civil standard of proof. Please refer to template Exclusion Policy and the Statutory Guidance for further details on procedure.

The Academy Council must notify their decision to the parents/carers, the principal and relevant local authorities, in writing **without delay**. Ideally this should be no later than three academy days after the meeting.

Appendix A: Template Letter

xxx Student Name and Form xxx

I am writing to inform you of my decision to suspend xxxxxxxxx for a fixed period of xxxxxx day(s) xxxxxxxxx. xxxxxxxx has been suspended for the following reason(s):

-

We have taken the following steps to try and avoid this suspension:

-
-

This brings the total days suspended this academic year to xx.

However, should you believe the suspension relates to your child's SEN or a disability your child has, and you think that discrimination may have occurred, you have the right to appeal to the First-tier Tribunal (for disability discrimination), or to a County Court (for other forms of discrimination).

Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on suspensions, the local service can also be found here:

<https://councilfordisabledchildren.org.uk/> Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm. ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>. Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice, and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

I will arrange for xxxxxxxx to have work during the period of suspension. The relevant House office will be in touch over these arrangements, but in the meantime, work can be accessed via the following platforms:

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| General educational content and activities | BBC: Bitesize https://www.bbc.co.uk/bitesize/secondary |
| Oak Academy | https://classroom.thenationalacademy/subjects-by-key-stage |
| Seneca Learning | https://app.senecalearning.com/login |
| Ely College Science | https://app.tassomai.com/login https://app.senecalearning.com/login |
| Ely College English | https://app.tassomai.com/login https://app.bedrocklearning.org/ |

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| Ely College Maths | https://corbettmaths.com/contents/ https://app.tassomai.com/login |
| TEAMS should also be checked for outstanding homework/class activities. | |

To be readmitted to college, xxxxxxxx will be expected to sign an agreement regarding their future conduct, and I would be grateful if you could accompany them to college so that you can see and sign the agreement. This means xxxxxxxx should return to college on xxxxxxxx at 8.00am, presenting themselves at main reception.

You have a right to make written representations, regarding this suspension to the Chair of the Academy Council. The Chair of the Academy Council will consider any representations made and may choose to convene a committee to investigate the matter further by application of the complaints procedure. If you wish to make representations, you should contact my PA, Mrs Saddington, who will outline your next steps.

I must further advise you that during the period for which your child is suspended you are responsible for ensuring that they are not present in a public place during school hours. If your child is found in a public place at such times without reasonable justification, you may be liable to a fixed penalty notice of £60 issued by the Local Authority.

Yours sincerely