



## Suspension and Expulsion Policy



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## Introduction

This policy adheres to the DfE statutory guidance on [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)

St Robert of Newminster Catholic School is committed to promoting good discipline. The mission of St Robert of Newminster Catholic School is to develop each member of the school community so that everyone involved can reach their full potential in the light of the teaching of Christ and the values portrayed in the Gospels.

One aspect of pupils reaching their full potential in the light of the teachings of Christ and the values portrayed in the Gospels is that their behaviour is always of the highest standard. That they model their behaviour on that of Christ. The expectation of how this looks in more operational terms is defined in the school principles. The school provides a vast range of support to children who display poor or challenging behaviour. The decision to suspend/expel lies solely with the Head Teacher. In the event that the Head Teacher is unavailable to make this decision due to long term leave or other exceptional circumstances, the decision will be delegated to the Head of School. Confirmation of this delegation will be recorded in writing. When establishing the facts surrounding an incident which may lead to suspension/expulsion, the Head Teacher must apply the civil standard of proof "on the balance of probabilities", and not the criminal standard of "beyond reasonable doubt".

## The Decision to Suspend/Expel

The decision to suspend/expel a student will be taken by the Head Teacher in the following circumstances:

- In response to serious or persistent breaches of the school's Behaviour Policy;
- If allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school;
- If the impact of not suspending/expelling the pupil would harm the integrity of the School's Behaviour Policy.

Before deciding whether to suspend/expel a student, the Head Teacher will ensure appropriate, balanced investigations have been carried out, considering all the evidence available. Investigations should determine whether or not there were any contributing factors affecting the child's behaviour.

Any decision of this school, including suspension, will 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 a school's wider legal duties, including the European Convention of Human Rights); rational; reasonable; fair; and proportionate. The Headteacher will take account of their legal duty of care when sending a student home following suspension.

Under the Equality Act 2010 ("the Equality Act") schools must not discriminate against, harass or victimise students because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices.

In carrying out their functions under the Equality Act, the public sector equality duty means that the school must also have due regard to the need to:

- ◆ eliminate discrimination and other conduct that is prohibited by the Equality Act;
- ◆ advance equality of opportunity between people who share a protected characteristic and people who do not share it;

- ◆ foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it.

These duties need to be considered when deciding whether to suspend a student. The school must also ensure that policies and practices do not discriminate against students by unfairly increasing their risk of suspension. Provisions within the Equality Act allow schools to take positive action to deal with disadvantages affecting one group, where this can be shown to be a proportionate way of dealing with such issues. The Headteacher and Local Governing Committee will take account of their statutory duties in relation to special educational needs and disabilities (SEND) when administering the suspension process. This includes having regard to the SEND Code of Practice.

Suspension/Expulsion may be used if a pupil does any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the school's Behaviour Policy:

1. Makes false accusations against a member of staff, which could precipitate action by the Police or Safeguarding Children's Board;
2. Assaults a member of staff;
3. Threatens, harasses or is involved in sexual misconduct towards any member of the school community;
4. Swears at, or is personally insolent to a member of staff;
5. Makes an unprovoked and/or serious physical assault on another pupil;
6. Makes an unprovoked verbal assault on another pupil;
7. Takes up an inordinate amount of staff time dealing with his or her continued misbehaviour over a period of time through persistent failure to engage in behaviour improvement strategies;
8. Misbehaves in any way while on the Head Teacher's report or while on a Behaviour Contract;
9. Is involved in the bullying (physical, verbal or cyber) of another pupil;
10. Is involved in activities which are prejudicial to the health and safety of member(s) of the school community;
11. Uses ICT, digital devices or social media in a way which could be construed as harassment and/or bullying of other members of the school community, or an invasion of their privacy;
12. Uses audio or visual recordings of members of the school community in a way which could be construed as harassment, bullying or an invasion of their privacy;
13. Is involved with illegal drugs during the school day;
14. Is involved with any drug which creates a 'legal high' during the school day;
15. Brings a weapon or an object, which could be used as a weapon, into school

This is not an exhaustive list, and there may be other situations where the Head Teacher makes the judgment that exclusion is an appropriate sanction. The Head Teacher is empowered to make this decision as he/she sees fit, and there is no "tariff" regarding the number of days' suspension applied to a particular "offence".

## **Suspension Procedure**

The DfE regulations empower the Head Teacher to suspend a student for one or more fixed periods not exceeding 45 school days in any one school year. When the decision to issue a suspension is made, parents/guardians are contacted without delay wherever possible by telephone. A letter will also be sent by post detailing the reason(s) for the suspension, its length, including the date it ends, if applicable, and information about the parents' rights to make representation about the suspension to the Governor's Disciplinary Committee. Where there is a legal requirement for the Governors Disciplinary Committee to meet and consider the reinstatement of the pupil, this information will also be included within the letter. Work will be set for the pupil to complete whilst the suspension is in force. This will usually be via Teams. If the child has a social worker or if they are looked-after, we will also notify without delay the social worker/ Virtual School Head. We will also notify the LA.

For the first 5 days of any suspension, the school will provide work for the student to complete.

If the suspension exceeds 5 days, the school will arrange suitable alternative full-time education for the pupil from the 6th day. Details of this alternative provision, including start date, start and finish times of the provision, and the address at which the provision will take place, will also be included in the letter. Where this information on alternative provision is not reasonably ascertainable on the day of the suspension, it may be provided in subsequent notice, but it will be provided no later than 48 hours before the provision is due to start.

During the course of a suspension, parents/guardians are advised that they have a duty to ensure that their child is not present on the school premises or in a public place in school hours, unless there is reasonable justification for this.

A reintegration meeting will usually be held following the expiry of the suspension and this will involve the pupil, parents/guardians, a member of the senior team, and other staff where appropriate. It is school practice to monitor the behaviour and work of the child very closely for the period following suspension. This may mean the use of a report or close support by staff.

### **Expulsion Procedure**

The decision to expel a child is a very serious one. There are two main types of situation in which permanent exclusion may be considered:

The first is a final, formal step in a concerted process for dealing with disciplinary issues following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort.

The second is where there has been a very serious breach of the school's Behaviour Policy and this may be a one-off incident. DfE guidance states that it is for the Head Teacher to decide whether a pupil's behaviour warrants expulsion, due to serious or persistent breaches in the school's Behaviour Policy, or where a pupil's behaviour means that allowing the pupil to remain in school would be detrimental to the education or welfare of the pupil or others in the school.

When the decision to issue an expulsion is made, parents/guardians are contacted without delay wherever possible. A letter will be sent by post detailing the reason(s) for the expulsion, the start date, and information about the parents' rights to make representation about the exclusion to the Governor's Disciplinary Committee. The Governors' Disciplinary Committee must meet no later than 15 school days after the date on which they were notified of the expulsion. The Clerk to the Governors' Disciplinary Committee will notify the parents/guardians of the date, time and location of the meeting, in which the Committee will consider the Head Teacher's decision to expel.

For the first 5 days of the expulsion, the school will provide work for the student to complete. From the 6th day, the Local Authority will be responsible for providing suitable full-time education.

During the course of an expulsion, parents/guardians are advised that they have a duty to ensure that their child is not present on the school premises or in a public place in school hours during the period of the expulsion, unless there is reasonable justification for this.

### **Rescinding a Suspension or Permanent Exclusion**

The Head Teacher may cancel an exclusion that has not been reviewed by the governing board. If this occurs, parents, the governing board and the LA will be notified (and, if relevant, the social worker and Virtual School Head.)

### **Managed Moves and Off-site Direction**

Please see:

[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)

and:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/942014/alternative\\_provision\\_statutory\\_guidance\\_accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942014/alternative_provision_statutory_guidance_accessible.pdf)

## **The Local Governing Body and the Governors' Disciplinary Committee**

Responsibilities regarding exclusions is delegated to the Governors' Disciplinary Committee consisting of at least 3 governors.

The Governors' Disciplinary Committee has a duty to consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- a) The expulsion is permanent;
- b) The suspension is of a fixed term nature and brings the pupil's total number of school days of exclusion to more than 15 in a term;
- c) The suspension would result in a pupil missing a public examination.

If requested to do so by parents, the Governors' Disciplinary Committee will consider the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension if the pupil would be suspended from school for more than 5 school days, but less than 15, in a single term.

Where a suspension would result in a pupil missing a public examination, the Governors' Disciplinary Committee will consider the reinstatement of the pupil before the date of the examination.

In reaching a decision, the Governors' Disciplinary Committee will consider whether the suspension/expulsion was lawful, reasonable and procedurally fair and whether the Head Teacher 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/expel.

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

The Governors' Disciplinary Committee will notify the parents/guardians of its decision in writing, along with reasons for its decision, without delay.

Where an expulsion is permanent, the notice of the Governors' Disciplinary Committee decision will also detail the parents'/guardians' rights to request for the decision to be reviewed by an independent review panel.

## **An Independent Review**

If parents apply for an independent review, we will engage with our Local Authority to ensure impartiality. The Local Authority will arrange for an independent panel to review the decision of the Governors' Disciplinary Committee not to reinstate a permanently expelled pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Governors' Disciplinary Committee of its decision to not reinstate a pupil.

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.

Instructions as to how parents/guardians request an independent review are included in correspondence to the parents/guardians.

### **School Registers**

A pupil's name will be removed from the school admissions register if:

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

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for a suspended/expelled pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where suspended/expelled pupils are not attending alternative provision, code E (absent) will be used.

### **Pupils with Additional Needs**

Pupils with additional needs are particularly vulnerable to the impacts of suspension/expulsion. The Head Teacher, as far as possible, will avoid permanently excluding any pupil with an Education Health Care Plan (EHCP) or a Looked After Child (LAC.)

We will engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to looked after children, we will cooperate proactively with foster carers or children's home workers, the Local Authority that looks after the child and the Local Authority's virtual school head.

Where we have concerns about the behaviour, or risk of expulsion, of a child with additional needs, a pupil with an EHCP or a looked after child, we will work in partnership with others (including the Local Authority as necessary), to consider what additional support or alternative placement may be required. This will involve assessing the suitability of provision for a pupil's SEN. Where a pupil has an EHCP, we will request an early annual review or interim/emergency review.

Review Date: November 2023