

Suspension and Exclusion Policy

1. Introduction

Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education.

For most pupils, suspensions and permanent exclusion may not be necessary, as other strategies can manage pupil behaviour. If approaches towards behaviour management in the most serious circumstances have been exhausted, then suspensions (fixed-term exclusions) and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that others are protected from disruption and pupils can learn and thrive in a safe, calm and supportive environment.

This policy explains the circumstances under which a pupil may be suspended or excluded from the school or required to leave permanently for serious misconduct or other reasons. A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion.

The policy aims to:

- support the school's behaviour policy,
- ensure procedural fairness and natural justice,
- promote co-operation between the school and parents when it is necessary for the school that a pupil is to leave earlier than expected.

The policy applies to all pupils at the school but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by his/her parents.

2. The Decision to Suspend or Exclude

A suspension, where a pupil is temporarily removed from school for periods of 1-10 days (or more) is used at the discretion of the headmaster or the deputy head: pupils/designated safeguarding lead to provide a clear signal of what is unacceptable behaviour as part of the school's *Behaviour Policy* and to show a pupil that their current behaviour is putting them at risk of permanent exclusion. A suspension can be served either internally (where a pupil is in school but removed from lessons) or externally (where a pupil is required to remain at home).

Where a pupil has received more than one suspension, the school will consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

Wherever possible parents will be informed **before** the pupil is sent home. No pupil should be sent home before the normal end of school if the parents cannot be contacted.

The parents and pupil will be seen by the headmaster, or one of his deputies, before the pupil is readmitted to school, to set the terms for their readmission. The school will support the pupil to reintegrate successfully into school life following a suspension and will be monitored closely for a suitable period of time ensuring the wellbeing of the pupil, as well as that of any potential victims (e.g. in the case of suspension due to bullying).

A permanent exclusion is when a pupil is no longer allowed to attend school (unless the pupil is reinstated). These can only be issued by the headmaster in response to a serious breach or persistent breaches of the school's *Behaviour Policy* and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others. In order to reach a decision to exclude, a disciplinary meeting between the headmaster, appropriate supporting staff, the pupil and the parents will be convened.

The headmaster may cancel an exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing body.

Each disciplinary suspension and permanent exclusion will be confirmed to the parents in writing with notice of the reasons for the suspension or permanent exclusion.

3. Behaviour that Merits Suspension/Exclusion

Pupils who continue to behave in such a way as to incur temporary exclusions/suspensions are at risk of permanent exclusion. A pupil may also be permanently excluded after a single serious offence or particularly egregious behaviour.

The reasons below are examples of the types of circumstances that may warrant a suspension or exclusion (serious offence):

- serious misconduct which adversely affects or is likely to adversely affect the welfare of a member or members of the school community or which brings the school into disrepute (single or repeated episodes) on, and in some circumstances, off school premises,
- physical assault against a pupil or adult,
- verbal abuse or threatening behaviour against a pupil or adult,
- supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol, tobacco and e-liquid (used in vaping),
- abuse on grounds of race, sex, sexual orientation, gender reassignment, religion/belief, disability, SEN or any form of unlawful discrimination,
- committing a criminal offence,
- wilful damage or vandalism to property and the school site,
- bringing illegal, inappropriate or dangerous items into school, such as weapons, firearms, pornographic material, drugs,
- theft, blackmail, physical violence, intimidation, severe or persistent bullying (including cyberbullying or bullying around any other characteristics protected by the Equalities Act, such as racism, misogyny, homophobia, or other kinds of prejudicial discrimination, and including hate-speech or online abuse),
- misconduct of a sexual nature (including sexual violence and harassment, sexual assault, non-consensual sharing of youth-produced sexual imagery/nude images),
- vandalism and computer hacking, or other malicious technological interference with the smooth running of the school, including during any period of physical school closure or remote learning,
- persistent attitudes or behaviour which are inconsistent with the school's ethos, this may include the misuse of social media,
- failure to adhere to an agreement made as part of a sanction, for example a behaviour agreement,

This list is non-exhaustive and is intended to offer examples rather than be complete or definite.

A pupil may be permanently excluded if, after all appropriate consultation, the headmaster is satisfied that it is not in the best interests of the pupil, or of the school, that the pupil remains at the school.

As set out in the school's terms and conditions, the school may require the removal of a pupil in circumstances where the headmaster considers in his discretion that the behaviour or conduct of a parent (or both parents) is unreasonable (for example, one or both parents have treated the school or members of its staff or any member of the school community unreasonably). Please refer to the school's Terms and Conditions ('Removal in other Circumstances') for further details.

4. Investigation Procedure

An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.

4.1 An investigation of a complaint/ allegation or rumour about serious misconduct will normally be co-ordinated by one of the deputy heads or other appropriate senior member of staff (provided he/she is independent of the complaint) and its outcome will be reported to the headmaster. In cases where a criminal offence is suspected, the police will be called immediately. If the complaint involves child protection issues, the designated safeguarding lead will record the matter and refer it to the Local Authority Designated Officer (LADO) in line with the school's *Child Protection and Safeguarding Policy*.

4.2 Parents will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the pupil being suspended, expelled or required to leave.

4.3 In appropriate cases a pupil may be suspended from attending the school and required to stay away from school as a neutral act while a complaint is being investigated. Alternatively, the pupil may be placed under a segregated regime if they remain on school premises.

4.4 The school reserves the right to search a pupil's space and belongings and ask him/her to turn out the contents of pockets or a bag, if the school considers there is reasonable cause to do so. Any such search will be conducted in accordance with the DfE guidance *Searching, Screening and Confiscation (2022)*. Outer clothing will only be searched if the pupil removes it voluntarily. No intimate search or physical compulsion of a pupil to remove clothing will be undertaken. All reasonable care will be taken to protect the pupil's human rights and freedoms. The findings of such a search may be confiscated. This includes electronic devices if there is reasonable suspicion that they might contain evidence of an offence, or of a breach of school rules. Please refer to the *Searching and Confiscation Policy* for further details.

4.5 As part of the investigation the pupil may be questioned wherever possible with another adult present (e.g. member of pastoral staff, form tutor). The pupil will be encouraged to make a written statement in relation to the complaint or allegation.

4.6 On completion of the investigation, the investigating member of staff will prepare a report and advise the headmaster whether:

- there is a case of serious misconduct which requires a disciplinary meeting,
- the misconduct is less serious and a disciplinary sanction other than permanent exclusion is appropriate,
- there is no case for the pupil to answer.

4.7 Prior to any decision being taken by the headmaster to exclude a pupil, the headmaster will meet with the pupil and their parents in a disciplinary meeting/hearing. In circumstances involving the possibility of the pupil's required removal on the grounds of parental unreasonable behaviour, the headmaster will meet with the parents only.

4.8 The chair of governors will be kept informed about serious misconducts that require a disciplinary meeting/hearing and may result in exclusion.

5. Disciplinary Meeting/Hearing

Where the investigating member of staff reported a case of serious misconduct, a disciplinary meeting will be convened at which the headmaster will consider the complaints of serious misconduct and the findings of the investigation.

Documents available at the disciplinary meeting with the headmaster are likely to include:

- a statement setting out the points of complaint against the pupil,
- written statements and notes of the evidence supporting the complaint, and any relevant correspondence,
- the investigation report (if applicable),
- the pupil's school file and conduct record,
- the relevant school policies and procedures.

The investigator or a senior colleague involved with the investigation will be in attendance. The pupil and their parents shall be entitled to attend but they shall not be entitled to be legally represented. The pupil may attend the meeting at a point to be decided by the headmaster – typically after the parents have discussed the situation with the headmaster and other relevant staff.

Members of staff will be on hand to join the meeting if needed, and their statements will be disclosed but, in most cases, the anonymity of other pupils will be preserved.

If the parents or the pupil have any special educational needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print) those requirements should be made known so that appropriate arrangements can be made. If the parent is unable to attend because of, for example, travel and working commitments, the school will make reasonable alternative arrangements to ensure the parent can be involved with the disciplinary process and their child's education.

During the disciplinary meeting,

- The headmaster will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. The pupil will be granted the opportunity to further explain their case with their parents' support which will be considered in light of their age and understanding as appropriate. They will be entitled to ask witnesses to attend to support the pupil's case and to bring forward such evidence as they consider appropriate but not to cross-examine pupils or members of staff.

Unless the headmaster considers that further investigation is needed, he will decide whether the complaint has been sufficiently proved. The standard of proof shall normally be the civil standard of proof, i.e., 'on the balance of probabilities' it is more likely than not that a fact is true. Appropriate reliance may be placed on hearsay evidence, but the headmaster will not normally refer to the pupil's disciplinary record at this stage.

- If the complaint or allegation of serious misconduct has been sufficiently proved, the headmaster will outline the range of disciplinary sanctions which he considers are open to them. He will consider any further statement which the pupil and/or others present on his/her behalf wish to make. The pupil's disciplinary record will be taken into account.

The headmaster's decision will not normally be given during the disciplinary meeting but at a later time, normally within 14 days of the disciplinary meeting. This will be in writing and will include reasons.

If the headmaster decides that the pupil must leave the school, he will consult with the pupil's parents before deciding on the pupil's leaving status of 'permanently excluded' or, at the headmaster's discretion, 'withdrawn by parents'. Additional points of leaving status may include some or all of the following:

- the form of letter which will be written to the parents and the form of announcement in the school that the pupil has left,
- the form of reference which will be supplied for the pupil,
- the entry which will be made on the school record and the pupil's status as a leaver,
- arrangements for transfer of any course and project work to the pupil, his/her parents or another school,
- whether (*if relevant*) the pupil will be permitted to return to school premises to sit public examinations,
- whether (*if relevant*) the school can offer assistance in finding an alternative placement for the pupil,
- whether the pupil will be entitled to leavers' privileges,
- whether the pupil will be eligible for membership of the Old Emanuel Association and if so from what date,
- the conditions under which the pupil may re-enter school premises in the future,

- financial aspects: payment of any outstanding fees and extras; whether the deposit will be returned or credited; the refund of any prepaid fees.

A decision to permanently exclude a pupil shall take effect seven days after the decision was first communicated to a parent. Until then, the pupil shall remain suspended and away from school premises. If within 7 days the parents have made a written application for a review by the governors, the pupil shall remain suspended until the review has taken place.

6. Governor's Review

6.1 Request for Review

Parents are entitled to request a governors' review of the headmaster's decision to expel or to require the pupil to leave for disciplinary reasons, or to suspend the pupil for 11 consecutive days or more, or where suspension would prevent the pupil from taking a public examination.

An application for a review must be made as soon as possible and in any event must be received by the clerk to the governors in writing 7 days of the parent being notified in writing of the decision to exclude. In their application the parents must state the grounds on which they are asking for a review and the outcome which they seek.

For the avoidance of doubt, a mere disagreement with the decision will not be sufficient to request a governors' review. It is not the role of the review panel to overturn the decision but to consider the representations made as outlined below and to make recommendations to the headmaster accordingly.

It is not within the powers of the panel to reinstate a pupil's place at the school against the wishes of the headmaster. The panel may either uphold the headmaster's decision or refer the decision back to the headmaster with recommendations so that these may be considered.

A governor's review will be conducted under fair procedures in accordance with the requirements of natural justice.

6.2 Review Panel

The review panel shall consist of the governor nominated by the governing body to chair the panel, or an alternative governor appointed by the nominated governor if he or she is unable to act, one further governor and a person independent of the school, in both the latter cases selected by the clerk to the governors. The review panel members will have no detailed previous knowledge of the issues or of the pupil or parents and will not include the chairman of governors.

Parents requesting the review will be entitled to know the names of the members of the review panel in advance. Fair consideration will be given to any bona fide objection to a particular member of the panel.

6.3 Review Meeting

The meeting will take place at the school premises or at the UWS offices, on a date as reasonably convenient to those involved in the review as can be arranged. If necessary, the chair of the review panel will hold a preliminary meeting to give directions as to the further conduct of the review. A review will not normally take place during school holidays. A review meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law.

Those present at the review meeting will normally be:

- members of the review panel and the clerk to the governors or his/her deputy.
- the headmaster and any relevant member of staff whom the pupil or his/her parents have asked should attend and whom the headmaster considers should attend to secure a fair outcome.

- the pupil's parents. The parents may be accompanied by one other person and, if they wish, a member of the school staff who is willing to speak on the pupil's behalf. The clerk to the governors must be given 7 days' notice if the friend or relation is legally qualified.
- The pupil may be present for part of the meeting by advance agreement with the clerk to the governors.

6.4 Meeting Procedures

- The meeting will be chaired by one member of the review panel and will be conducted in a suitable room and in an informal manner.
- All statements made at the meeting will be unsworn.
- Parents and the school will be entitled to call any witnesses relevant to the complaint subject to the case management control of the chair.
- The clerk to the governors will be asked to minute the main points which arise at the meeting. All those present will be entitled, should they wish, to write their own notes.
- The meeting will be directed by the chair who will conduct it to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comments.
- Everyone is expected to show courtesy, restraint and good manners.
- The chair may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.
- The review panel will consider each of the questions raised by the pupil's parents or the pupil to determine:
 - whether the facts of the case were sufficiently proved when the decision was taken to expel or remove of the pupil. The civil standard of proof, namely, 'the balance of probabilities' will apply.
 - whether the sanction was warranted, that is, whether it was proportionate to the breach of discipline or the other events which are found to have occurred and to the legitimate aims of the school's policy in that respect.
- The requirements of natural justice will apply. If for any reason the pupil's parents or the pupil are dissatisfied with any aspect of the meeting, they must inform the chair at the time and ask the clerk to the governors to note their dissatisfaction and the reasons for it.
- If the headmaster considers it necessary in the interests of an individual or of the school that the identity of any person should be withheld, the chair may require that the name of that person and the reasons for withholding it be written down and shown to the review panel members. The chair at his/her discretion may direct that the person be identified, or not as the case may be.
- Up to two members of the school staff may speak generally about the pupil's character, conduct and achievements at the school if they are willing to do so, but will not be expected to express an opinion about the decision which is being reviewed.
- If, having heard all parties, the review panel is minded recommending that the headmaster's earlier decision should be confirmed, it is open to the review panel, with the agreement of the headmaster, the pupil and his/her parents to discuss the pupil's leaving status with a view to reaching agreement.
- When the chair decides that all issues have been discussed sufficiently and if by then there is no consensus, he/she may adjourn the meeting; alternatively, the chair may ask those present to withdraw while the review panel considers its recommendations.
- The chair will record the panel's findings and recommendations in writing, setting out the reasons for it, and normally send a copy to the headmaster and the parents within 14 days from the date of the review meeting. The decision of the review panel shall be final and not be subject to any further appeal.

6.5 Record

A record of the governor's review, the documents relating to the proceedings, and the findings of the review panel will be kept. The record shall be kept confidential except where the Secretary of State

or a body conducting an inspection under section 162A of the Education Act 2002, as amended, requests access to them.

7. Fees

For 'fees following expulsion' please see the parent contract terms and conditions.

8. Policy Review and Approval

Policy Owner	Deputy Head: Pupils/Designated Safeguarding Lead
Date of last review	Spring 2023
Approved by	School's Pastoral Committee: 8 th March 2023 Cabinet: 27 th April 2023 Governor's Pastoral Committee: 10 th May 2023
Date of next review	Spring: 2024

Table of Key Changes

Date	Change
August 2023	Role update from deputy head: pastoral to deputy head: pupils/designated safeguarding lead throughout the document.

9. Related Documents and Policies

- Anti-Bullying Policy
- Behaviour Policy
- Drugs Policy
- Online Safety Policy
- Pupil Acceptable Use Agreement
- Searching and Confiscation Policy
- Terms and Conditions