

Marland School

Suspension & Permanent Exclusion Policy

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SUSPENSION AND PERMANENT EXCLUSION

Statement of Intent

At Marland school, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that suspension and exclusion of students may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending or excluding a student may also be required in instances where allowing the student to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding students should only be used as a means of last resort.

The school has created this policy to clearly define the legal responsibilities of the Executive Principal, governing board and LA when responding to student suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a student's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

A "suspension" is defined as the temporary removal of a student from the school for behaviour management purposes. A student may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.

An "exclusion" is defined as the permanent removal of a student from the school, in response to a serious breach or persistent breaches of the school's Relational Behaviour Policy, and where allowing the student to remain in school would seriously harm the education or welfare of the students or staff in the school.

Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

Education Act 1996

Education Act 2002

Education and Inspections Act 2006

The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007

Equality Act 2010

The School Discipline (Student Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023

The European Convention on Human Rights (ECHR)

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

DfE 'Suspension and Permanent Exclusion from maintained schools, academies and student referral units in England, including student movement'

DfE 'Behaviour in Schools'

DfE 'Special educational needs and disability code of practice: 0 to 25 years'

DfE 'Mental health and behaviour in schools'

This policy operates in conjunction with the following school policies:

Relational Behaviour Policy

Anti-bullying Policy

Marland School is committed to abiding by the latest DfE Guidance and this policy has been constructed considering the following:

‘DfE Suspension and Permanent Exclusion from maintained schools, academies and student referral units in England, including student movement. Guidance for maintained schools, academies, and student referral units in England - August 2024’

Further information is available in this detailed national guidance.

Suspension

In some extreme behavioural circumstances, to include but not limited to:

- Physical assault against a student
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a student
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse

Students can be suspended on a fixed-period basis up to 45 school days in a school year. Fixed term suspension may be necessary to offer a period of reflection and repair for the student. A fixed term suspension should only be used as a last resort and be a proportionate response to the behaviour displayed. Suspension should enable further planning and assessment and provide opportunity for reflection for both the student and staff. Relational approaches such as solution focused, and restorative, will be used to reintegrate a student back into the school community on a fresh start, positive basis.

Permanent Exclusion

Marland School does not advocate the use of permanent exclusion unless all other viable alternatives have been exhausted. However, as an absolute last resort, we recognise that there may be exceptional circumstances where a student is no longer able to have their needs met at Marland School. The decision to exclude a student permanently will only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy:

and

- where allowing the student to remain in school would seriously harm the education or welfare of the student or others such as staff or students in the school.

The Executive Principals power to suspend and exclude

Only the Executive Principal has the power to suspend or exclude a student from the school, and is able to decide whether either a suspension or exclusion is appropriate. All suspensions and exclusions will only be issued on disciplinary grounds.

The Executive Principal is also able to consider a student's disruptive behaviour outside of the school premises as grounds for suspension or exclusion, in accordance with the school's Relational Behaviour Policy.

When sending a student home following any suspension or exclusion, the Executive Principal will ensure that they exercise their duty of care at all times and will always inform the parents/carers.

Any decision made to suspend or exclude a student will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the school's wider legal duties, including

the ECHR. At all times, the Executive Principal will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds and will not increase the severity of a student's suspension or exclusion on these grounds.

The Executive Principal may cancel any suspension or exclusion that has already begun, or one that has not yet begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the governing board.

Where a suspension or exclusion is cancelled, the Executive Principal will notify the student's parents, the governing board, the LA, and, where relevant, the virtual school head (VSH) and the student's social worker. The notification will also provide the reason for the cancellation. The Executive Principal will offer the student's parents the opportunity to meet with senior staff to discuss the circumstances that led to the cancellation of the exclusion, and the student will be allowed back into school without delay.

When a suspension or exclusion is cancelled, the governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.

Any days spent out of school as a result of a suspension or exclusion prior to it being cancelled will count towards the maximum 45 school days that a student can be suspended or excluded in an academic year. A permanent exclusion will not be cancelled if the student has already been suspended or excluded for more than 45 school days in an academic year or if they will have been so by the time the cancellation takes effect.

The Executive Principal will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g. sending a student home to 'cool off', regardless of whether the parents have agreed to this. The Executive Principal will not use the threat of suspension or exclusion as a means of instructing parents to remove their child from the premises.

All suspensions and exclusions will be formally recorded on the school's recording systems.

Duty to Inform Parents

Following the Executive Principal's decision to suspend or exclude a student, they will immediately inform the parents by telephone, supported by email communication, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.

The Executive Principal will inform the parents in writing (or electronically if written permission has been received from the parents for notices to be sent this way) of the following:

- The reasons for the suspension or exclusion
- The length of the suspension or permanency of the exclusion
- Their right to raise any representations about the suspension or exclusion to the governing board, including how the student will be involved in this and how the representations will be made
- Their right to make a request to hold the meeting via remote access and how this request can be made
- Their right to attend a meeting where there is a legal requirement for the governing board to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the student to continue their education prior to the organisation of any alternative provision, or the student's return to school
- Relevant sources of free, impartial information

If the Executive Principal has decided to suspend the student for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents without delay and issue a new suspension or exclusion notice to parents.

Duty to inform others

The Executive Principal will inform the governing board, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the student)
- Any suspensions which would result in the student being suspended for more than 5 school days in a term
- Any suspensions or exclusions which would result in the student being absent from an examination or national curriculum test

The Executive Principal will inform the LA of all suspensions or exclusions, regardless of their length, without delay.

All notifications to the governing board and LA will include the reasons for suspension or exclusion and the duration of any suspension.

If a student who is suspended or excluded lives outside the LA in which the school is located, the Executive Principal will notify the student's 'home authority'.

When a student has been suspended or excluded, the Executive Principal will, without delay, notify the student's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.

Social workers and/or the VSH will also be informed when a meeting of the governing board is taking place, and will be invited to attend the meeting should they wish to do so.

Social workers and VSHs will be allowed to join a governing board meeting or independent review panel via the use of remote access, as long as the arranging authority is satisfied, they will be able to participate effectively, they can hear and be heard throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent.