



Saint GREGORY'S
Bath

Suspension and Exclusion Policy

Key Information

Title	Suspension and Exclusion Policy	
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Version History

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In Christ we flourish

Contents

Statement of intent

1. Legal framework
2. Roles and responsibilities
3. Grounds for exclusion
4. The Headteacher's power to exclude
5. Factors to consider when excluding a student
6. Duty to inform parents/carers
7. Duty to inform the Governing Body and LA
8. Arranging education for excluded students
9. Considering exclusions
10. Reaching a decision
11. Notification of considered exclusions
12. Removing permanently excluded students from the school register
13. Independent review panel
14. Criminal investigations
15. Training requirements
16. Monitoring and review

Appendix

- a) Reviewing the Headteacher's Exclusion Decision

Statement of intent

St Gregory's, Bath, is committed to being a fully accessible and inclusive organisation, welcoming and respecting the diversity of its students, staff, community and visitors to the school.

Mission Statement

As a Catholic school our inspiration is Jesus Christ. We therefore promote the dignity and well-being of every child to ensure that they flourish in a safe, happy and enriching environment. We believe that everyone is gifted and called by God to fulfil 'some definite service' (J.H. Newman) for the greater good of society. We aim to help our students discover their vocation in life, to achieve their full potential and to use their gifts for the greater glory of God.

The Lasallian Values help us promote both Gospel values and British values. We aim to ensure that the educational experience offered at St Gregory's educates the whole child and equips young people to be ready to take their place in the world as responsible citizens with strong moral values.

Our mission as a Catholic school is summed up in the words of our motto, *In Christ we Flourish*. For our young people this means that we want them to flourish as rounded individuals in a learning environment which is explicitly Christian and allows their God-given gifts and abilities to grow and develop, as a school which places a strong focus on the performing arts and science.

Above all our aim is to instil in our children Christian values and a love of God and his Son Jesus Christ so that they will become principled citizens and witnesses to the Gospel, who will contribute to the common good of society.

At St Gregory's, we understand that good behaviour and discipline is essential for promoting a high quality education.

Amongst other disciplinary sanctions the school recognises that exclusion of students may be necessary where there has been a serious breach, or consistent breaches, of the school's behavioural policy. 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, 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 Headteacher, Governing Body and LA when responding to student 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 excluded, by ensuring that appropriate arrangements are in place.

1. Legal framework

1.1. This policy has due regard to the related statutory legislation including, but not limited to, the following:

- The Education Act 2002
- The School Discipline (Pupil 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 Pupils) (England) Regulations 2007
- The European Convention on Human Rights (ECHR)
- The Equality Act 2010

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

- DfE (2017) 'Exclusion from maintained schools, academies and pupil referral units in England'
- DfE (2016) 'Behaviour and discipline in schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

1.3. This policy will be implemented in conjunction with the following school policies and procedures:

- Behavioural Policy
- Anti-Bullying Policy
- Student Code of Conduct
- Special Educational Needs and Disability (SEND) Policy
- Social, Emotional and Mental Health (SEMH) Policy
- Child Protection and Safeguarding Policy

2. Roles and responsibilities

2.1. The LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- Arranging suitable full-time education for any student of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing students' needs in consultation with their parents/carers where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.

- Arranging for an independent review panel hearing to review the decision of the Governing Body not to reinstate a permanently excluded student where required.
- Arranging the hearing, without delay, at a time, date and venue convenient for all parties.
- Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories.

2.2. The Governing Body is responsible for:

- Considering parents'/carers' representations about exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where an exclusion would result in a student missing a public examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a student to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of students.
- Considering the interests and circumstances of the excluded student, including the circumstances in which they were excluded, and have due regard to the interests of others at the school.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to an exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the student's education record, along with copies of relevant papers for future reference.
- Notifying the students' parents/carers, the Headteacher and LA of its decision and the reasons for it without delay.
- Where appropriate, informing parents/carers of where to apply for an independent review panel.
- Informing parents/carers of relevant sources of information.
- Ensuring a student's name is removed from the school admissions register where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a student where directed to do so by the exclusions review panel.
- Appointing a clerk to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.

2.3. The clerk to the exclusions review panel is responsible for:

- Making reasonable efforts to inform the appropriate individuals that they are entitled to:
 - make written representations to the panel.
 - attend the hearing and make oral representations to the panel.
 - be represented.
- Making reasonable efforts to circulate copies of relevant papers at least five school days before the review to all parties.
- Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel.

2.4. The Headteacher is responsible for:

- Implementing good levels of discipline to ensure all students can benefit from the opportunities provided by education and to minimise potential exclusions.
- Applying the civil standard of proof when establishing the facts in relation to an exclusion.
- Complying with their statutory duties in relation to students with SEND when administering the exclusion process, as outlined in the Special Educational Needs and Disability (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a student has suffered bereavement, bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a student who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of exclusions as a sanction, e.g. if a student has received multiple exclusions or is approaching the legal limit for exclusions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual students, particularly those with SEND, eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of students with additional needs.
- Determining whether a student will be excluded on disciplinary grounds.
- Withdrawing any exclusions that have not been reviewed by the Governing Body, where appropriate.
- Ensuring any decision to exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude a student.
- Ensuring they have considered their legal duty of care when sending a student home following an exclusion.

- Making the decision to exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a student's parents/carers without delay where the decision is taken to exclude the student, including the days on which the parents/carers must ensure the student is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents/carers is clear and easily understood.
- Notifying the Governing Body and LA of their decision to exclude a student where appropriate, as well as the student's home authority if required.
- Notifying the Governing Body once per term of any exclusions not already notified.
- Organising suitable work for excluded students where alternative provision cannot be arranged.

3. Grounds for exclusion

- 3.1. The school will only exclude a student where it is absolutely necessary and where all other possible disciplinary sanctions, as detailed in the school's behavioural policy, have failed to be successful.
- 3.2. The following examples of behaviour may underline the school's decision to exclude a student:
 - Any incident which poses a risk to other students or members of staff, e.g. bringing a weapon onto the premises
 - Any incidents which breach the law
 - Persistent and severe bullying
 - Verbal and physical abuse
 - Constant disruption
 - A single, serious and major incident, e.g. serious assault on another individual leading to injury
- 3.3. Students can be suspended, i.e. up to 45 school days within a year, or permanently excluded. Similarly, students can be permanently excluded following a suspension where further evidence is presented.
- 3.4. In all cases, the Headteacher will decide which exclusion period a student will be subject to depending on what the circumstances warrant.
- 3.5. The school has the power to direct a student off-site to improve their behaviour.

4. The Headteacher's power to exclude

- 4.1. Only the Headteacher has the power to exclude a student from the school, and is able to decide whether this is a suspension. All exclusions will only be issued on disciplinary grounds.

- 4.2. The Headteacher is able to exclude students from the premises where their behaviour is disruptive during lunchtime. All lunchtime exclusions will be counted as half of a school day.
- 4.3. The Headteacher is able to consider a student's disruptive behaviour outside of the school premises as grounds for exclusion, in accordance with the school's behavioural policy.
- 4.4. Any decision made to exclude a student will be lawful, proportionate and fair, with respect to legislation relating directly to exclusions and the school's wider legal duties, including the ECHR.
- 4.5. All exclusions will be formally recorded on the student information system.
- 4.6. When sending a student home following any exclusion, the Headteacher will ensure that they exercise their duty of care at all times and will always inform the parents.
- 4.7. The Headteacher will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.
- 4.8. The Headteacher may withdraw any exclusion that has not already been reviewed by the Governing Body.
- 4.9. At all times the Headteacher 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, e.g. race, sex, disability, and will not increase the severity of a student's exclusion on these grounds.
- 4.10. The Headteacher will not issue any 'informal' or 'unofficial' exclusions, such as sending a student home to 'cool-off', regardless of whether or not the parents/carers have agreed to this.
- 4.11. The Headteacher will not use the threat of exclusion as a means of instructing parents to remove their child from the premises.

5. Factors to consider when excluding a student

- 5.1. When considering the exclusion of a student, the Headteacher will:
 - Allow the student the opportunity to present their case.
 - Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the student's wellbeing has been compromised or they have been subjected to bullying.
 - Take into consideration whether the student has received multiple exclusions or is approaching the legal limit of 45 excluded days per school year, and whether exclusion is serving as an effective sanction.
 - Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess students who demonstrate consistently poor behaviour.

- 5.2. The Headteacher will consider what extra support may be available for vulnerable student groups whose exclusion rates are higher, to reduce their risk of exclusion, including the following:
- LAC
 - Students eligible for FSM
 - Students with SEND
 - Certain ethnic groups
- 5.3. The Headteacher will consider avoiding permanently excluding LAC students, those with SEMH issues or students with an EHC plan.
- 5.4. Where any member of staff has concerns about vulnerable student groups and their behaviour, they will report this to the Headteacher who will instigate a multi-agency assessment to determine whether the behavioural issues might be as a result of educational, mental health or other needs and vulnerabilities.
- 5.5. Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's Behavioural Policy. If the student continues to endanger the physical or emotional wellbeing of other students or staff, despite exhausting the graduated response process, then exclusion may be considered.
- 5.6. In accordance with the Equality Act 2010, under no circumstances will a student with identified SEND or SEMH issues be excluded before the graduated response process has been completed.
- 5.7. The Headteacher will work in conjunction with the parents/carers of any student with additional needs, to establish the most effective support mechanisms.

6. Duty to inform parents

- 6.1. Following the Headteacher's decision to exclude a student, they will immediately inform the parents/carers, in person or by telephone, of the period of the exclusion and the reasons behind this.
- 6.2. The Headteacher will inform the parents/carers in writing (electronically if written permission has been received from the parents/carers for notices to be sent this way) of the following:
- The reason(s) for the exclusion
 - The length of the suspension or, for a permanent exclusion, the fact that it is permanent
 - Their right to raise any representations about the exclusion to the Governing Body, including how the student will be involved in this and how the representations will be made
 - Their right to attend a meeting where there is a legal requirement for the Governing Body to consider the 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.
- 6.3. Where the student is of compulsory school age the Headteacher will inform the parents/carers by the end of the afternoon session that:
- For the first five days of the exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier), parents/carers are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents/carers may receive a penalty fine if they fail to do so.
- 6.4. Where the Headteacher has arranged alternative provision, they will also inform the parents/carers of the following:
- The start and end date for any provision of full-time education
 - The address at which the provision will take place
 - Any information necessary for the student to identify the person they should report to on the starting date
- 6.5. Where the Headteacher is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay and within 48 hours of the student beginning the provision.
- 6.6. If the alternative provision is due to begin before the sixth day of the exclusion, the Headteacher is able to give less than 48 hours of notice, with parental consent.
- 6.7. If the Headteacher has decided to exclude the student for a further fixed period following their original exclusion, or to permanently exclude them, they will notify the parents/carers without delay and issue a new exclusion notice to parents/carers.

7. Duty to inform the Governing Body and LA

- 7.1. The Headteacher will inform the Governing Body and LA, without delay, of the following:
- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the student)
 - Any exclusions which would result in the student being excluded for more than five school days in a term (or more than 10 lunchtimes)
 - Any exclusions which would result in the student being absent from an examination or national curriculum test.
- 7.2. For any exclusions other than those above, the Headteacher will notify the Governing Body and LA once per term.

- 7.3. All notifications to the Governing Body and LA will include the reasons for exclusion and the duration of any suspension.
- 7.4. If the student who is excluded lives outside the LA in which the school is located the Headteacher will notify the student's 'home authority'.

8. Arranging education for excluded students

- 8.1. For any suspension of more than five school days, the Governing Body will arrange suitable full-time education for the student, which will begin no later than the sixth day of exclusion.
- 8.2. Where a student receives consecutive suspensions, these will be regarded as cumulative and full-time education will still have to be provided from the sixth day of exclusion.
- 8.3. For permanent exclusions, full-time education will also be provided for the student from the sixth day of exclusion.
- 8.4. The Governing Body will not arrange full-time education for any student who is currently in their final year of compulsory education and who does not have any further public examinations to sit.
- 8.5. The Governing Body is aware that it is beneficial to excluded students to begin their alternative education arrangements before the sixth day of exclusion. The Governing Body will always attempt to arrange alternative provision before the sixth day of exclusion.
- 8.6. Where it is not possible to arrange alternative provision during the first five days of exclusion, the school will ensure that they take reasonable steps to set and mark work for the excluded student.
- 8.7. If a student with SEND has been excluded, the Governing Body will ensure that:
 - Any alternative provision is arranged in consultation with the student's parents/carers, who are able to request preferences.
 - When identifying alternative provision, any EHC plan is reviewed/the student's needs are reassessed, also in consultation with the student's parents/carers.

9. Considering exclusions

- 9.1. The Governing Body will consider any representations made by parents/carers in regard to exclusions.
- 9.2. Parents/carers and, where requested, a friend or representative, the Headteacher and a member of the LA will be invited to attend any consideration of exclusions and will be able to make representations.
- 9.3. Any meeting to consider reinstatement of a student will be arranged at a date and time convenient for all parties and in compliance with any statutory time limits.

- 9.4. The Governing Body will consider the reinstatement of an excluded student where:
- The exclusion is permanent.
 - The exclusion is suspension and would bring the student's total number of excluded school days to more than 15 in any given term.
 - The exclusion would result in the student missing a public examination.
- 9.5. In the case of a suspension where the student's total number of excluded days is more than five but less than 15 school days within a term, if requested by the parents/carers, the Governing Body will consider exclusions within 50 school days of receiving notification.
- 9.6. In the case of a suspension where the student's total number of excluded school days does not amount to more than five, in the absence of any such representations, the Governing Body is not required to meet and cannot direct the reinstatement of the student.
- 9.7. Where exclusion would result in a student missing a public examination, the Governing Body will consider the exclusion before the test to decide whether the student should be reinstated in time to take the examination.
- 9.8. If it is not practicable for a sufficient number of governors to consider the decision before the examination, the Chair of Governors will consider the exclusion alone and decide whether or not to reinstate the student.
- 9.9. In light of the above, the Governing Body will also consider whether it would be appropriate to allow the excluded student to enter the premises to take the examination.
- 9.10. When considering the reinstatement of an excluded student, the Governing Body will:
- Only discuss the exclusion with the parties present at the meeting.
 - Ask for any written evidence prior to the meeting.
 - Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
 - Allow students and parents/carers to be accompanied by a person of their choice at the meeting.
 - Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
 - Identify the steps needed to enable and encourage the excluded student to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
 - Consider the interests and circumstances of the excluded student, including the grounds for exclusion.

10. Reaching a decision

- 10.1. After considering exclusions the Governing Body will either:

- decline to reinstate the student.
 - direct the reinstatement of the student immediately, or on a specified date.
- 10.2. If reinstatement would make no practical difference, e.g. if the student has already returned to school following a suspension or the parents/carers make clear they do not want their child reinstated, the Governing Body will still consider whether the student should be officially reinstated and whether the Headteacher's decision to exclude the student was fair, lawful and proportionate, based on the evidence presented.
- 10.3. The Governing Body will apply the civil standard of proof when responding to the facts relating to an exclusion, it is more likely than not that the facts are true.
- 10.4. To reach a decision, the Governing Body will:
- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
 - Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
 - Ask all parties to withdraw from the meeting before concluding their decision.
 - Consider whether the exclusion of the student was lawful, proportionate and fair, taking into account the Headteacher's legal duties and any evidence that was presented to the Governing Body in relation to the decision to exclude.
 - Record the outcome of the decision on the student's educational records, along with copies, which will be kept for at least six months.
 - Make a note of their findings where they have considered an exclusion but cannot reinstate the student.

11. Notification of considered exclusions

- 11.1. The Governing Body will notify the parents/carers of the excluded student, the Headteacher and the LA of their decision following the consideration of an exclusion, in writing and without delay.
- 11.2. In the case of a permanent exclusion, where the Governing Body decides not to reinstate the student, they will notify the parents/carers:
- that it is permanent, and their right for it to be reviewed by an independent review panel.
 - of the date by which an application for review must be made.
 - of the name and address of whom the review application should be submitted to.
 - that any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a student's SEND is considered relevant to the exclusion.
 - that, regardless of whether a student has been identified as having SEND, the parents/carers have a right to require the Governing Body to ensure a SEND expert attends the review.

- of the role of the SEND expert that will attend the review, and that the parents/carers will not be charged for this.
 - that they are required to make it clear if they wish for a SEND expert to attend the review.
 - that they may appoint someone at their own expense to make representations to the panel.
- 11.3. The Governing Body will also notify parents/carers that, if they believe an exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.
- 11.4. After any conclusion, the Governing Body will notify the parents/carers and all other parties involved of the decision that was made and the reasoning for this, in sufficient detail.

12. Removing permanently excluded students from the school register

- 12.1. The Headteacher will remove students from the school register if:
- 15 school days have passed since the parents/carers were notified of the Governing Body's decision not to reinstate the student and no application for an independent panel review has been received.
 - The parents/carers have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.
- 12.2. If an application for an independent panel review has been made within 15 school days, the Headteacher will wait until the review has been determined, or abandoned, and until the Governing Body has completed any reconsideration that the panel recommended or directed it to carry out, before removing the student from the school register.
- 12.3. If a student's name is to be removed from the register, the Headteacher will make a return to the LA, which will include:
- All the particulars which were entered in the register.
 - The address of any parent/carer with whom the student normally resides.
 - The grounds upon which the student's name is to be removed from the register.
- 12.4. Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the student's name was removed.
- 12.5. If a student's name has been removed from the register and a discrimination claim is made, the student may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.
- 12.6. Whilst a student's name remains on the admissions register, the appropriate code will be used to mark the student's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

13. Independent review panel

- 13.1. The LA will review the Governing Body's decision not to reinstate a permanently excluded student, if the parents/carers submit their application for this within the required time frame.
- 13.2. The LA will constitute an independent review panel of three or five members that represent the following categories:
 - a lay member to chair the panel. This individual will not have worked in any school in a paid capacity.
 - a current or former school governor who has served for at least 12 consecutive months in the last five years.
 - a Headteacher or individual who has been a Headteacher within the last five years.
- 13.3. Parents/carers are required to submit their applications within:
 - 15 school days of the Governing Body's notification of their decision.
 - 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.
- 13.4. Any application made outside of this timeframe will not be reviewed.
- 13.5. Parents/carers are able to request an independent panel review even if they did not make a case to, or attend, the Governing Body's initial consideration of the exclusion.
- 13.6. The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Exclusion from maintained schools, academies and pupil referral units in England' 2017.

14. Criminal investigations

- 14.1. The Headteacher will not postpone taking a decision to exclude a student due to a police investigation being underway, or any criminal proceedings that are in place.
- 14.2. The Headteacher will give particular consideration when deciding to exclude a student where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.
- 14.3. If the Governing Body is required to consider the Headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

15. Monitoring and review

- 15.1. This policy will be reviewed annually by the Headteacher in conjunction with the Governing Body. The next scheduled review date for this policy is December 2020.
- 15.2. All members of staff are required to familiarise themselves with this policy as part of their induction programme.

Reviewing the Headteacher's Exclusion Decision

