

LINTON VILLAGE COLLEGE

SUSPENSION AND EXCLUSION POLICY

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1. Aims

Our College aims to ensure that:

- the suspensions process is applied fairly, consistently and only as a last resort;
- the permanent exclusion process is applied fairly, consistently and only as a last resort;
- the suspensions and exclusions processes are understood by governors, staff, parents/carers and students;
- students in the College are safe and happy and
- students do not become NEET (not in education, employment or training).

2. Legislation and statutory guidance

This policy is based on statutory guidance from the [Department for Education: Exclusion from maintained schools, academies and pupil referral units \(PRU's\) in England, September 2022.](#)

This policy complies with our funding agreement and articles of association and the exclusion guidance of the Anglian Learning Trust.

3. Definitions

Suspensions and exclusions are not the same as short-term isolation or removal from mainstream lessons. These are formally recognised sanctions and are noted on a student's 'record' and **must** be reported on transfer to other schools. It can be for a fixed term or permanent (please see below).

Suspension is a serious sanction and can be given for a period of 1 – 5 school days depending on the seriousness of the incident. In exceptional circumstances, a student could be suspended for more than 5 days, but the College would make education provision from the 6th day of suspension. In the case of a Looked After Child or child with a social worker, the school and the local authority should work together to arrange alternative provision from the first day following the suspension or permanent exclusion. A student can be suspended for one or more fixed periods (up to a maximum of 45 school days in a single year). For the purposes of exclusions, 'school day' is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

A suspension can also be for parts of the school day. For example, if a student's behaviour at lunchtime is disruptive, they may be suspended from the College premises for the duration of the lunchtime period. The legal requirements relating to suspension, such as the Principal's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a governing board meeting is triggered.

Once a suspension has begun (that is, when a student is no longer attending school), the headteacher may not bring it to an end earlier than the end-date that was originally fixed.

The College will provide work for students for the first 5 days of a suspension. This can include utilising any online pathways such as Teams, Satchel One, Oak National Academy and a variety of other online platforms.

Following a suspension, parents/carers are invited to a reintegration meeting before a student is reinstated in mainstream lessons. However, where a parent/carer refuses to come to a meeting, the College would not further punish the student for that parents'/carers' action.

A suspension may be used to provide a clear signal that a student's current behaviour is putting them at risk of permanent exclusion. The Principal will use their professional judgement based on individual circumstances when considering whether to suspend a student. As a guide the below kinds of behaviour could result in a suspension:

- Bullying
- Damage to College premises
- Vape/Drug/Alcohol Related
- Use/misuse of prohibited items
- Misuse of Social Media
- Persistence Disruptive Behaviour
- Persistent or extreme defiance
- Unsafe behaviour
- Physical Assault (adult)
- Physical Assault (student)
- Racist Abuse
- Sexual Misconduct
- Theft
- Verbal Abuse (adult)
- Verbal Abuse (student)

A student's behaviour outside school can be considered grounds for a suspension in certain situations. This includes when students are wearing the College uniform and where student behaviour is particularly damaging to the reputation of the College. This could also be relevant following negative behaviour on school trips or on the journey to and from school, including whilst travelling on the school bus.

Exclusion (from the mainstream setting at Linton Village College) means a decision has been made by the Principal to exclude a student permanently from the College. An exclusion can only be issued as a last resort following a significant and extreme one-off event or in response to a culmination of behaviours (for example dangerous, disruptive, and defiant behaviour described above in non-exhaustive lists) and when allowing the student to remain in the College would seriously undermine the learning and safety of members of the College community.

This may include, but is not limited to the following behaviours to be considered on a case-by-case basis:

- significant theft/environmental damage;
- repeated defiance towards members of staff and deliberate flouting of College expectations, despite sanctions and support;
- persistent/extreme disruption to students' learning and examinations;
- persistent/extreme verbally abusive/threatening behaviour towards a student/adult;
- malicious behaviour/damage intended to undermine the safety of the College community;
- persistent bullying behaviour;
- persistent prejudiced-based behaviour (PROTECTED CHARACTERISTICS)
- carrying/using a weapon; possession/use of illegal substances on College premises;
- significant physical assault/injury against a student/adult;
- sexual misconduct towards a member of the College community; and
- criminal behaviours.

A student's behaviour outside school can be considered grounds for an exclusion in certain situations. This includes when students are wearing the College uniform and where student

behaviour is particularly damaging to the reputation of the College. This could also be relevant because of negative behaviour on school trips or on the journey to and from school, including whilst travelling on the school bus.

Under the South Cambridgeshire Behaviour and Attendance Improvement Partnership (BAIP, see Appendix 1), this could mean that any of the following could result in:

- exclusion could be avoided because the College, the LA and parents/carers agree a managed move to another school using the Direction Offsite With Intent to Managed Move Protocol (DOWIMM);
- the student's case could be referred to the South Cambridgeshire Fair Access Panel to determine an education placement outside of the College;
- the College could provide an alternative education via an IAEP (Individual Alternative Education Plan) and support from the EIO (Education Inclusion Officer).
- This may be provided on or off site (the provision will be designed and reviewed in partnership with the EIO and will consider the educational needs of the student and what is practicable and possible to deliver);
- permanent exclusion from Linton Village College.

4. The decision to suspend or exclude

Only the Principal, or acting Principal, or, in their absence the Deputy Principal in charge of the College, can suspend or exclude a student from the College. A decision to suspend or exclude a student will be taken in response to serious or persistent breaches of the College's Behaviour and Discipline Policy. It may also be taken if allowing the student to remain in the College would seriously harm the education or welfare of others.

Before deciding whether to suspend or permanently exclude a student, the Principal will:

- consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked;
- allow the student to give their version of events;
- consider if the student has special educational needs (SEN);
- review previous involvement of the College's Student and/or Learning Support Teams and if there has been an Early Help Assessment completed and strategies deployed; and
- consider who else might need to be consulted (for example SENCo, ESLAC teachers, social worker, designated safeguarding lead).

When establishing the facts in relation to a suspension or permanent exclusion decision the Principal must apply the civil standard of proof, i.e., 'the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'. This guidance is provided to schools within *Guidance for maintained schools, academies, and pupil referral units in England, 2022*.

During the decision-making process the College will consider whether any provision or practice in the College has discriminated against students by increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a student with a disability that can manifest itself in breaches of the College's behaviour expectations if needs are not met, a decision to suspend or permanently exclude may be discriminatory.

Exclusions will not be used for these reasons:

- Poor academic performance

- Truancy
- Parental behaviour
- Failure to complete work

The College does not use informal, unofficial or 'cooling-off' suspensions or exclusions. Any removal from school for disciplinary reasons will be formally recorded as a suspension.

Special Educational Needs

The College will endeavour to put in place the appropriate special educational provision for students with SEN., ~~which will include any support in relation to behaviour management that they need because of their SEN.~~ In many cases this will include making reasonable adjustments for students with SEN when deciding upon the sanctions issued. This also refers to a range of proactive strategies that the College will put in place to minimise the chances of behavioural difficulties.

The College will engage proactively with parents in supporting the behaviour of students with additional needs. Where the College has concerns about the behaviour, or risk of suspension and permanent exclusion of a student with SEN, a disability or an EHC plan it will, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a student's SEN or disability.

In line with the [Equality Act 2010](#), the College will consider whether reasonable adjustments have been made and whether failure to make such adjustments could amount to discrimination.

Where a student has an EHC plan, the College will contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review.

Children with a Social Worker

Where a student has a social worker, the College will recognise that this is an indicator of potential vulnerability and will work proactively with parents/carers, the allocated social worker and other relevant agencies to support the student and address the underlying causes of behaviour.

The College will make every reasonable effort to avoid suspension or permanent exclusion for children with a social worker wherever possible, and will ensure that appropriate assessment, multi-agency planning and support have been considered before an exclusion decision is made.

Where suspension or exclusion is unavoidable, the College will notify the student's social worker without delay and ensure that arrangements for education, safeguarding and reintegration are planned collaboratively.

5. Roles and responsibilities

5.1 The Principal

A senior member of staff will contact parents/carers as soon as the decision to suspend or exclude has been made by the Principal. Notification should be in person or by telephone in the first instance as this gives parents an opportunity to ask any initial questions. When notifying parents about a suspension or permanent exclusion, the Principal, or appropriate member of SLT or Head of Year, should set out what arrangements have been made to enable the student

to continue their education prior to the start of any alternative provision or the student's return to school.

The parents/carers will also be informed they are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.

Within 48 hours, this will be followed up with a letter to the parents/carers of a suspended or excluded student in which the following information will be included:

Informing parents/carers

Written notification will be provided without delay (normally the same day), and in all cases within 48 hours. This will include the following information:

- the reason(s) for the exclusion;
- the length and period of a suspension or, for a permanent exclusion, the fact that it is permanent;
- information about parents'/carers' right to make representations about the suspension/exclusion to the governing body and how the student may be involved in this and;
- where there is a legal requirement for the governing board to meet to consider the reinstatement of a student, and that parents/carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.

Parents/carers have the right to make representations to the governing body in relation to any suspension or permanent exclusion, regardless of whether a governing board meeting is required. Any representations received from parents/carers will be considered and responded to appropriately in accordance with statutory guidance. Where a governing board meeting is not required, the governing body is not empowered to direct reinstatement but will nevertheless give due consideration to any representations made.

Where a student has a social worker e.g. because they are subject of a Child in Need Plan or a Child Protection Plan, the College must inform the social worker, without delay, and the Designated Safeguarding Lead of all suspensions and when there is a risk of exclusion. When a looked after child (LAC) is likely to be suspended or excluded, the Designated Teacher (DT) should contact the local authority's Virtual School Head (VSH) without delay.

The College will record all suspensions on My Concern, SIMS and Go4schools.

If alternative provision is being arranged, the following information will be included when notifying parents / carers of an exclusion:

- the start date for any provision of full-time education that has been arranged;
- the start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant;
- the address at which the provision will take place; and
- any information required by the student to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is

to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents'/carers' consent.

Informing the governing body and local authority

The College will notify the LA of all suspensions and exclusions without delay.

For those students who live outside of Cambridgeshire, the College will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.

The Deputy Principal with responsibility for Inclusion will notify the Governing Body of all suspensions once a term.

5.2 The Governing Body

Responsibilities regarding exclusions is delegated to a Discipline Committee consisting of at least 3 governors.

The Discipline Committee has a duty to consider the reinstatement of an excluded student (see section 6).

Within 14 days of receipt of a request, the governing body will provide the Secretary of State with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the governing body will arrange suitable fulltime education for the student. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

5.3 The LA

For permanent exclusions, the College is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

5.4 The BAIP

The Behaviour and Attendance Improvement Partnership (BAIP) is a Cambridgeshire-wide collaborative arrangement between secondary schools and the Local Authority, designed to improve outcomes for students who are at risk of exclusion or who require alternative education. The partnership operates in accordance with the BAIP Service Level Agreement (SLA) and is founded on shared principles of collective responsibility, peer challenge, and a commitment to meeting the needs of vulnerable children. Through the BAIP, schools work together for the benefit of all students ordinarily resident in Cambridgeshire, with a particular focus on reducing permanent exclusion wherever practicable and ensuring that all students continue to belong to, and be supported by, a school.

As part of the BAIP arrangements, funding for alternative education is devolved from the Local Authority's High Needs Block to schools within the partnership. While this does not alter the statutory responsibilities of schools or the Local Authority, it places operational responsibility for decision-making, commissioning and oversight of alternative provision with headteachers working collaboratively through the BAIP. Schools within the partnership accept collective responsibility for securing appropriate provision for excluded students and those who can no longer be supported in a mainstream setting, including arranging suitable full-time education from the sixth day of exclusion (or from the first day for looked after children). The BAIP also supports managed moves, fair access arrangements, and the ongoing oversight of students receiving alternative provision, ensuring that

education plans are reviewed regularly and that schools retain responsibility for students' welfare, progress and outcomes in line with statutory guidance.

6. Cancelling an Exclusion

The Principal can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the Discipline Committee has not yet met to consider whether the student should be reinstated. Where an exclusion is cancelled, then:

- Parents/carers, the governing body, the LA will be notified without delay and, if relevant, the student's social worker and VSH as applicable.
- Parents/carers will be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled.
- The student will be allowed to return to College.
- The student's record should be amended accordingly, with any days spent out of school because of any exclusion, prior to the cancellation counting towards the maximum of 45 school days permitted in any school year.

7. Considering the reinstatement of a student

The Discipline Committee will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

- the exclusion is permanent;
- it is a suspension which would bring the student's total number of school days of suspension to more than 15 in a term and
- it would result in a student missing a public examination.

The requirements are different for suspensions where a student would be suspended for more than five but less than 16 school days in a term. In this case, if the parents make representations, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended student should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the student.

In the case of a suspension which does not bring the student's total number of days of suspension to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Considering, the student's age and understanding, the student or their parents should also be made aware of their right to attend and participate in governing board meetings and the student should be enabled to make a representation on their own behalf if they wish to do so.

Where a suspension would result in a student missing a public examination, the Discipline Committee will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Discipline Committee will consider the exclusion and decide whether to reinstate the student.

The Discipline Committee can either:

- decline to reinstate the student, or
- direct the reinstatement of the student immediately, or on a particular date.

In reaching a decision, a Discipline Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal followed his/her 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 exclude.

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

The Discipline Committee will notify, in writing, the Principal, parents/carers and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, a Discipline Committee's decision will also include the following:

- the fact that it is permanent;
- notice of parents'/carers' right to ask for the decision to be reviewed by an independent review panel, and:
 - the date by which an application for an independent review must be made;
 - the name and address to whom an application for a review should be submitted;
 - that any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEN are considered to be relevant to the exclusion;
 - that, regardless of whether the excluded student has recognised SEN, parents/carers have a right to require the Anglian Learning Trust to appoint a SEN expert to attend the review;
 - details of the role of the SEN expert and that there would be no cost to parents/carers for this appointment;
 - that parents/carers must make clear if they wish for a SEN expert to be appointed in any application for a review;
 - that parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review;
 - that if parents/carers believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

8. An independent review

If parents/carers apply for an independent review, the Anglian Learning Trust will arrange for an independent panel to review the decision of the governing body not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents/carers by the Discipline Committee of its decision to not reinstate a student. A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors' category and 2 members will come from the Principal category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Principals during this time.

- Principals or individuals who have been a Principal within the last 5 years. A person may not serve as a member of a review panel if they:
 - are a member/director of the Anglian Learning Trust, or governing body of the excluding school;
 - are the Principal of the excluding school, or have held this position in the last 5 years;
 - are an employee of the Anglian Learning Trust, or the governing board, of the excluding school (unless they are employed as a Principal at another school);
 - have, or at any time have had, any connection with the Anglian Learning Trust, the College, governing board, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality and
 - have not had the required training within the last 2 years. A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- uphold the governing body's decision;
- recommend that the governing board reconsiders reinstatement or
- 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.

9. School registers

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

- 15 school days have passed since the parents/carers were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or
- the parents/carers 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 body will wait until that review has concluded before removing a student's name from the register.

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

Where excluded students are not attending alternative provision, code E (absent) will be used.

10. Returning from a suspension

Following a suspension, a reintegration meeting must be held involving the student, parents/carers, a senior member of staff and other staff. **A reintegration will normally take place on or before the student's first day back.**

Schools can consider a range of measures to enable the student's successful reintegration which can include, but are not limited to:

- Maintaining regular contact during the suspension or off-site direction and welcoming the Student back to school;
- Daily contact with a designated pastoral professional in-school;
- Use of a report card with personalised targets leading to personalised rewards;

- Ensuring the student follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress;
- Planned pastoral interventions;
- Mentoring by a trusted adult or a local mentoring charity;
- Regular reviews with the student and parents to praise progress being made and raise and address any concerns at an early stage;
- Informing the student, parents and staff of potential external support.
- Instigating Alternative Provision through an IAEP (Individual Alternative Education Plan) in partnership with the Education Inclusion Officer (EIO).
- Instigating Alternative Provision through an IAEP (Individual Alternative Education Plan) in partnership with the Education Inclusion Officer (EIO).

11. Monitoring arrangements

The Senior Leadership Team monitors the number of exclusions every term and reports to the governing body. They also liaise with the local authority to ensure suitable full-time education for excluded students.

12. Links with other policies

This Exclusions Policy is linked to the following additional documentation:

- Behaviour and Discipline Policy;
- Special Educational Needs and Disabilities policy;
- Safeguarding policy;
- Equality and Diversity Policy and
- the South Cambridgeshire Inclusion Partnership Agreement.