



Suspension and Permanent Exclusion Policy

Review Timetable

The Policy will be reviewed every year, as set out below:	
Policy reviewed centrally	n/a
Policy tailored by individual schools	January 2024
Policy ratified by Local Governing Bodies	January 2024
Renewal Date	February 2025
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Links with other Policies

The Exclusion Policy should be read alongside the following:

Chilmington Green School Behaviour Policy;
Chilmington Green School Anti-Bullying Policy;
Chilmington Green School Safeguarding Policy.

Sections

1. Guiding principles
2. Statutory framework
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1. Guiding principles

At Chilmington Green School, our ethos is clear: we believe that learning is the most important reason for being at the school and that nothing should stop learning. To ensure good order and behaviour for learning it may be necessary to suspend students from attending school, or to permanently exclude them.

We view exclusion as a last resort when all other possible methods of managing student behaviour have been exhausted. The decision to suspend is never taken lightly and careful consideration is taken of the facts and contributing factors before reaching the decision to suspend.

We recognise the impact of exclusion on both the education and well-being of students and their families. We also recognise the impact of social exclusion which can result from the permanent exclusion of a student.

Students are managed consistently but not necessarily in a uniform manner. When considering the decision to suspend, appropriate consideration will be given to the student and the circumstances, as well as the education, welfare and safety of the student or other students at School. We will also consider the student's prior record.

We will do all we can to prevent spiralling of behaviour and repeated patterns of exclusion for individuals. As our Behaviour Policy notes, we aim for behaviour modification and interventions which have an impact. Our Pastoral Team monitor patterns of behaviour to identify students who are persistently misbehaving, whose behaviour is not improving following low-level sanctions or whose behaviour reflects a sudden change from previous patterns of behaviour. We aim to take a proactive approach, to reduce the likelihood of suspension and permanent exclusion.

We are committed to using alternatives to permanent exclusion such as managed moves and alternative provision, where appropriate, and will work with other local education providers through Ashford Heads, screening meetings and Kent County Council, to this end.

Managed moves will only be used on a voluntary basis and with the agreement of all parties (including parents) and the admission authority of the new school and only where it is in the best interests of the pupil. As such, managed moves will only be offered as part of a planned intervention.

Fighting or unprovoked serious violence; use, possession or dealing of drugs, alcohol or legal highs of any type; are likely in all normal circumstances to lead to suspension (a fixed period of exclusion) or permanent exclusion.

This policy relates to behaviour not only in school but also to behaviour out of school: for example, travelling to and from school; on school trips; work experience placement; over the telephone or online (such as on social media) etc.

Any form of exclusion is the ultimate sanction and the decision to suspend is the Principal's alone, or in his absence, the designated teacher in charge.

2. Statutory framework

Chilmington Green School Exclusion policy is written in line with the DfE guidance [‘Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement’](#). Section 1 of this guidance makes specific reference to the Equalities Act 2010.

Sanctions should be applied fairly, reasonably and proportionately and after due investigative action has taken place. Particular care should be taken when taking decisions to suspend children with Special Education Needs and/or Disability (SEND) and those groups with disproportionately high rates of exclusion, paying particular regard to the school’s duties under the Equality Act 2010. These duties need to be complied with when deciding whether to suspend a pupil. Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Provisions within the Equality Act allow schools to take positive action to deal with particular disadvantages, needs, or low participation affecting one group, where this can be shown to be a proportionate way of dealing with such issues.

The Principal and governing body must comply with their statutory duties in relation to SEND when administering the exclusion process. This includes having regard to the SEND Code of Practice.

3. Types of exclusion

Suspension (a fixed period of exclusion)

A decision to suspend a student for a fixed period may be taken in response to breaches of the School’s Behaviour Policy. Examples of behaviour that may lead to suspension include the following:

- verbal abuse of staff or student;
- physical abuse of staff or student;
- indecent behaviour;

- damage to property;
- possession of a banned item including drugs, alcohol, legal highs, weapons and pornography;
- theft;
- persistent poor behaviour as outlined in the Maximising Learning Minutes model, see Behaviour Policy;
- persistent pattern of serious behaviour, including refusing to co-operate with staff and open defiance and rudeness, see Behaviour Policy.

This is not an exhaustive list and there may be other examples of behaviour where the Principal judges that suspension is an appropriate sanction.

The Principal may suspend a student for one or more fixed periods which do not exceed a total of 45 school days in any one school year. 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 school premises for the duration of the lunchtime period. A lunchtime exclusion is equivalent to a half day exclusion.

During a suspension of 5 or fewer days, work will be set by the school for the student to complete at home. This work should be returned completed at the end of the suspension for marking. For a suspension of longer than 5 days, the school will arrange full-time educational provision from the sixth day.

Before the end of any suspension, parents will be invited to attend a Moving Forward Meeting at the school with their child. The purpose of the meeting is to ensure that the child understands the reason for the suspension and is committed to preventing the behaviour that led to the suspension from being repeated. It also allows the relationship between the school and student to be rebuilt if necessary and a fresh start for the student following the suspension. The school will consider all further support needed for the student, including referrals to external agencies.

The notes from this meeting will be sent to parents. Where possible this meeting should include the student's parents. However, it is important to note that a student should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting.

During the first five days of any exclusion, the parents of a suspended student must ensure that they are not present in a public place during normal school hours without reasonable justification, whether with or without a parent. Parents can be prosecuted or given a fixed penalty notice of £120 if they fail to do this. The student may also be removed from the public place by the police and taken to designated premises. If the Local Authority is advised that a parent has failed to comply with supervision requirements during the first 5 school days of an exclusion, our School Attendance Service will take further action if, after enquiries/evidence gathering, the relevant officer decides that there are sufficient grounds on which to proceed.

There may be circumstances where the investigation of a serious incident may not be immediately possible due to the complexity of the incident or the need to gather statements from a number of witnesses. In such cases, the Principal may issue a suspension, 'pending further investigation', to allow an investigation to take place and to give the opportunity to make a reasoned decision. In such cases, the suspension is not a sanction for the incident under investigation. Once the investigation is complete, the Principal will make the decision for the student to return to school, or to issue a further suspension, or to arrange a transfer, or to issue a permanent exclusion to begin immediately after the end of the fixed period. Similarly, the Principal may choose to withdraw an exclusion on the basis of new evidence.

Repeated use of suspension for children with an EHCP (and potentially those on SEN Support (especially those undergoing statutory assessment and likely to get an EHCP), or where the school knows or could reasonably be expected to know, that the child has a disability, could be considered ineffective or failing to sufficiently meet a child's needs. There is an expectation that where this is occurring, schools should ensure the SENCO is involved as part of a behaviour intervention and planning process to elicit different approaches to improving the child's behaviour. This may involve advice from colleagues / specialists such as an educational psychologist, speech and language therapist, literacy specialist etc.

Permanent Exclusion

In line with other Ashford schools, Chilmington Green School is opposed to permanent exclusion and will always endeavour to work with other providers to find an alternative solution.

The decision to permanently exclude is taken only:

- in response to serious breaches of policy, as outlined in the School's Behaviour Policy and/or Exclusion Policy;
- if allowing the student to remain at the school would seriously harm the education or welfare of the student or others at the school e.g. by exposing them to banned items or violence or persistent disruption of learning.

A student may be permanently excluded where there have been repeated breaches of the Behaviour Policy for which a range of consequences and strategies have been applied without success. It is an acknowledgement that the school has exhausted all available strategies for dealing with the student and is a last resort.

There may be exceptional circumstances where, in the judgement of the Principal, it is appropriate to permanently exclude a student for a first or 'one off' offence. These might include:

- serious actual or threatened violence against another student or member of staff;
- sexual abuse or assault;
- possession, supply, or being under the influence of a prohibited substance or banned item;
- carrying an offensive weapon.

* a weapon is defined as any item made or adapted for causing injury.

This is not an exhaustive list and there may be other examples of behaviour where the Principal judges that permanent exclusion is an appropriate sanction.

The Principal will meet with the parents and student before reaching a decision to permanently exclude a student. In exceptional circumstances, a student will be suspended in order to allow an investigation to take place before the decision is made to permanently exclude, in particular when the full facts of an incident are unclear.

4. The decision to suspend

The decision to suspend is made solely by the Principal. In his absence, the power rests with the designated teacher in charge, usually the Vice Principal, who should make it clear that they are acting in the Principal's absence.

Before reaching a decision as to whether to suspend the Principal will:

- ensure that a thorough investigation has been carried out, taking into account:
 - the degree of severity of the offence;
 - the likelihood of re-occurrence (including a consideration of the student's previous behavioural record – taking care to be clear what behavioural incidents the pupil is actually being suspended for);
 - contributory factors (e.g. recent bereavement, mental health issues, bullying, special educational needs and disabilities, peer on peer abuse, harassment);
 - support/or adjustments previously provided;
 - the school behaviour policy, special educational needs policy and equality law obligations.
- consider all the evidence available to support the allegations, taking into account the School's behaviour and equal opportunities policies, and where applicable the Equality Act 2010 as amended;
- be satisfied that, on the balance of probabilities, the student did what he/she is alleged to have done;
- allow and encourage the student to give their version of events, in writing if possible;
- check whether an incident may have been provoked, for example by bullying (including homophobic bullying) or by racial/sexual harassment;
- consider whether the proposed sanction is proportionate in itself and in light of the treatment of any others involved in the incident;
- consult others if necessary (being careful not to involve anyone who may later take part in the statutory review of their decision e.g. a member of the Governors Review Meeting);
- keep a record of the actions taken (and copies of written records made by other members of staff), including any interview with the student concerned. Witness statements, if taken, must be dated and should be signed, wherever possible. Witness statements should always be taken where the facts of the incident are disputed, this can happen during the suspension if it was not possible to do it before it commences as the incident merited an immediate response or the student was unavailable before. Where relevant, the student should be given support to express their view, including through advocates such as parents or social workers;
- be satisfied that the decision to suspend the student was lawful, reasonable and procedurally fair, taking account of their legal duties.

The decision to suspend a student will not be taken in the heat of the moment unless there is an immediate threat to the safety of others in the school or the student themselves. The Principal may choose to withdraw the exclusion at any time prior to it being reviewed by the governors. If this occurs, parents, the LGB and the local authority should be notified, and if relevant, the social worker and Virtual School (Virtual School Kent – VSK, in the case of this LA or the Virtual School of the LA the student is from if out of county).

The standard of proof applied when deciding to suspend is on the balance of probabilities i.e. it is more probable than not that the student did what he or she is alleged to have done. The more serious the allegation, the more convincing the evidence substantiating the allegation needs to be.

Once the decision has been made to suspend, a student will only be sent home once contact has been made with the parent/carer and where it is clear that the student will be returning to a place of safety. Work will be provided and either sent with the student, sent via email, or arrangements made for collection.

5. Notification of parents/carers

Whenever the Principal suspends a student, the School will notify the parent/carer without delay, ideally by telephone. If the student has a social worker, or if the student is looked-after, the School must now, also without delay after their decision, notify the social worker and/or the relevant Virtual School (Virtual School Kent for children in care from Kent), as applicable. The exclusion will then be confirmed by a letter signed by the Principal, or designated teacher in charge. The letter will outline: the reason for the exclusion; the date/s of the exclusion; the time of the reintegration meeting; details on how to make representations to the LGB; and how to make a claim and/or appeal the exclusion on the grounds of disability discrimination, should parents/carers believe this has occurred.

In exceptional circumstances, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension, given 'pending further investigation'; or a permanent exclusion may be issued to begin immediately after the end of the suspension. In this case a second letter will be sent to the parents/carers explaining the reasons for the further exclusion.

In the case of a suspension of more than 5 days, parents/carers will be informed of arrangements for 6th day provision, in writing, at least 48 hours before the provision is to commence.

6. Appeals

The school has a Local Governing Body (LGB) which has responsibility for supporting the Principal in making decisions and reviewing them in relation to exclusions.

The LGB has a duty to facilitate and consider the representations of parents and can either uphold the exclusion or direct reinstatement (and, if the latter is not practical, still consider if the decision to suspend was justified). The decision of the LGB will be given in writing, without delay, and will give the reasons for the decision.

The Local Governing Body will consider any exclusion which results in a student being suspended for more than 15 school days in any one term, any permanent exclusion, or any exclusion which would result in a student missing a public examination. This review will take place whether or not the parent requests it. The LGB will decide whether to reinstate the student, if appropriate, or whether the Principal's decision to suspend was justified and appropriate.

If requested to do so by the parents, the LGB will meet and consider the reinstatement of a student suspended for more than 5 days but less than 15 within one school term.

In the case of one or more exclusions totalling 5 days or less in a school term, the LGB will consider any written representations from a parent, but they cannot direct reinstatement of the student.

If a student has a social worker, or if the Virtual School (VS) is involved with the student, the social worker or VS representative can share information surrounding any adversity or difficulties the student may have been experiencing. They can provide important information that helps the LGB understand the experiences of a student and their welfare. Virtual School representatives should also be able to advise the Board on any possible contribution the student's circumstances could have made to the suspension or permanent exclusion.

Parents have the right to appeal the decision to permanently exclude their child to an Independent Review Panel (IRP) within 15 days of receiving a letter from the LGB confirming the decision to uphold a permanent exclusion. The parent must apply in writing, together with the grounds and evidence, for a review within 15 days, and this must be sent to Harriet Ingman, Clerk to the LGB.

The set up and process of the IRP is set out in the DfE [Suspension and Permanent Exclusion guidance](#), including the timeframe, constitution, and the powers of the IRP. The Independent Appeals Panel can either uphold the decision to suspend the student or recommend that the school reconsiders the exclusion. They cannot, however, direct the reinstatement of the student.

Parents have the right to request a special educational needs expert. Parents also have the right to bring an Equality Act claim for discrimination to the First Tier Tribunal (for disability discrimination) or to the County Court (for other forms of discrimination). If a student has a social worker, or if the Virtual School is involved with the student, either party can attend the IRP meeting, should they wish to do so.