RICARDS LODGE HIGH SCHOOL

Suspensions and Exclusions Policy

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Relationship to other policies

This policy should be read in conjunction with the school's Behaviour Policy as well as other relevant school policies, particularly the Inclusion Policy, Safeguarding Policy, Special Educational Needs and Disabilities Policy, Equalities Policy, the Anti-Bullying Policy, Substance Abuse Policy, Drugs Policy and Attendance Policy.

Guidance and legislation

This policy is drafted to be compliant with the *Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement July 2026.*

School suspensions and permanent exclusions - GOV.UK (www.gov.uk)

This policy also takes account of our public-sector equality duty set out in section 149 of the Equality Act 2010 and the SEN Code of Practice.

Statement of principles

Suspensions and exclusions will only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; Permanent exclusion would only be considered if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

We seek to reduce the number of incidents leading to suspensions and exclusions by promoting a positive culture of mutual respect and positive behaviour within the school. This is outlined in our behaviour policy.

We regularly monitor behaviour incidents, suspensions and exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

Authority to suspend or exclude

A suspension or exclusion from the school can only be authorised by the Head teacher or in the absence of the Head teacher a senior member of staff deputising on their behalf.

Decision to suspend or exclude

A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. They can also be excluded permanently.

The decision to exclude a student permanently is a serious one. It will usually be the final step in a process following a wide range of other strategies which have been tried without success.

There will be exceptional circumstances where in the Head teacher's judgement it is appropriate to permanently exclude for a 'first' or 'one off' offence. This could include:

Any violent act or serious violent threat against another student or member of staff

Sexual Misconduct

Possession, use or distribution of prohibited items;

- knives or weapons including pocket knifes, anything with a blade or an adapted object
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- e-cigarettes /vapes
- fireworks/fire crackers
- pornographic images

The above instances are not exhaustive and will include any actions by students which endanger the health and safety of others

The decision to suspend or exclude a pupil will always consider whether the decision is lawful, rational, reasonable, fair and proportionate.

When establishing the facts in relation to a possible suspension or exclusion, the Head teacher will always apply the civil standard of proof i.e., on the balance of probabilities it is more likely than not that a fact is true.

When considering suspension or exclusion, the Head teacher will consider:

- Possible short-term mitigating factors such as bereavement, mental health issues or other adverse circumstances e.g., Contextual harm or exploitation.

- Whether the pupil comes into a category that is known to be a particularly vulnerable group (e.g., pupils with SEN, FSM pupils; children in care and previously in care; and certain ethnic groups such as Black Caribbean and Traveller of Irish heritage or Gypsy/Roma children)

And whether a pupil has already had a number of suspensions which appear to have been ineffective.

The Head teacher will not suspend or exclude any pupil for non-disciplinary reasons e.g. minor incidents, poor academic performance, truancy or poor attendance, pregnancy, behaviour of parents and carers; and will not exclude informally or unofficially, children will not be sent home to 'cool off' even with parents and carers' permission as this is not lawful.

The decision to suspend or exclude a pupil is not taken lightly and the Head teacher will:

- Ensure that a thorough investigation has been carried out.
- Consider all the evidence available to support the allegations.
- Allow the pupil to give their version of events. Where practical, the Head teacher will ensure that the suspended/excluded student/s is/are enabled and encouraged to participate at all stages of the process, taking into account their age and understanding.
- Take account of his/her legal duty of care when sending a pupil home following an exclusion. It may be necessary to make 'holding' arrangements until the pupil can be collected.
- Keep a written record of the actions taken. Any exclusion of a pupil, even for short periods of time, will be formally recorded. The head teacher may retain any instrument weapon or substance that has been a key factor in the incident that led to the exclusion and/or is relevant to the school's investigation
- Seek guidance from the Local Authority School Inclusion Coordinator, the police; and Legal Services where appropriate.
- In the case of pupils who have a social worker, including Looked After Children and Previously Looked After Children, the Head teacher will involve their social worker early as possible in relevant preventative conversations
- In the case of Looked After and Previously Looked After Children, the Head teacher will consult with the Virtual School head teacher prior to taking the decision to suspend or permanently exclude. We will wherever possible try and avoid the exclusion of Looked After Children or Previously Looked After Children.

As alternatives to suspension or exclusion the Head teacher may:

- Use internal exclusion systems such as The Bridge in a designated areas of the school
- Direct a pupil for education off-site (temporary) to improve behaviour
- In some situations, consider a supportive move with regard to Merton's Fair Access Protocol; in consultation and with full agreement of the parents and carers

Behaviour related to a protected characteristic

We will take care to ensure that a decision to suspend or exclude does not involve any kind of discrimination as defined by the Equality Act 2010. We will not discriminate against pupils on the basis of protected characteristics, such as disability or ethnicity.

The school will make reasonable adjustments for managing behaviour which is related to a pupil's disability. Where suspension or exclusion needs to be considered, the school will take proactive steps to ensure that a pupil with a disability is able to present his or her case fully.

We recognise that disruptive behaviour can be an indication of unmet needs. Where we have concerns about a pupil's behaviour, we will try to identify whether there are any causal factors and try to intervene early to reduce the need for a subsequent suspension or exclusion. We will consider whether a multi-agency assessment that goes beyond a pupil's educational needs is required. We will also consider whether a referral to an outside agency would be beneficial e.g., Merton's Language, Behaviour and Learning team, Children's Social Care, Education Psychology Services, Early Help, Traveller Education Service, CAMHS or other mental health services.

Lunchtime fixed- term suspension

A fixed-period suspension can be for parts of the school day. For example, pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the requirements in relation to suspension and exclusion, such as the Head teacher's duty to notify parents and carers, the Governing Body and the Local Authority still apply. Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a Governing Body meeting is triggered.

Action following any suspension or exclusion

Informing parents and carers

The Head teacher will immediately provide the following information to parents and carers of a suspended or excluded pupil:

- The reason(s) for the suspension or exclusion.

- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents and carers' right to make representations about the suspension or exclusion to the governing board and how the pupil may be involved in this.
- Where there is a legal requirement for the Governing Body to meet to consider the reinstatement of a pupil, and that parents and carers have a right to attend a meeting; request it be held remotely; be represented at a meeting; and to bring a friend.

The Head teacher will also notify parents and carers by the end of the afternoon session on the day their child is suspended/excluded that for the first five school days of a suspension or exclusion, or until the start date of any alternative provision where this is earlier, parents and carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents and carers may be given a fixed penalty notice or prosecuted if they fail to do this.

Pupils with Social Workers and/or Virtual School Head (VSH)

The School will work together with Social Workers and Virtual School Heads to consider factors which may be affecting a child's behaviour and what further support can be put in place to improve the behaviour.

In the case that the Head teacher suspends or permanently excludes a pupil with a social worker and /or Virtual School Head, these parties will be notified, without delay of the period of the suspension/permanent exclusion and the reason(s) for it.

Social Workers and Virtual School Heads will be invited to make representations at all Governors Discipline Committee meetings. This is an opportunity to help the governors understand the experiences and safeguarding needs of the child and how their circumstances may have influenced the reason for suspension or exclusion.

Cancelling suspensions and permanent exclusions

The Head teacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governing board.

Where there is a cancellation:

- The parents, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- Parents will be offered the opportunity to meet with the Head teacher to discuss the cancellation

- As referred to above, the Head teacher will report to the governing board once per term on the number of cancellations
- The child will be allowed back into school
- Any days spent out of school as a result of any suspension/exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year.

Informing the Governing Body and Local Authority

The Head teacher will immediately notify the Governing Body and the local authority (LA) of any permanent exclusion; suspensions/exclusions which would result in the pupil being suspended/excluded for more than 5.5 school days (or more than 10 lunchtimes) in a term; and suspensions/exclusions which would result in the pupil missing a public examination.

If the pupil lives outside the local authority area in which the school is located the head teacher must also notify the pupil's 'home authority' of the suspension/exclusion and the reason(s) for it without delay.

The headteacher will notify the governing board **once per term** of *all* suspensions regardless of length, as well as any cancelled suspensions/exclusions.

Alternative education

For a suspension of more than five school days for a pupil of compulsory school age, the school has a legal duty to arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion. However, the school and Governing Body will attempt to start this provision as soon as possible. For a child with a social worker or looked-after child, the school will work in consultation with Social Care and/or the Virtual School and other relevant teams in the Local Authority to attempt to arrange alternative provision from the first day following the exclusion.

Reintegration meeting

All students returning from a suspension should attend a reintegration meeting, accompanied by a parent (failure to attend this meeting would not prevent the pupil from returning to school). This meeting will seek to establish practical ways in which further exclusion can be avoided and how behaviour can be improved. This discussion will involve student, parent/carer and school. The reintegration meeting can also include other agencies working with the family and Merton's School Inclusion Coordinator, where appropriate.

Considering the reinstatement of a pupil

The Governing Body will consider the reinstatement of a suspended/excluded pupil within 15 school days of receiving the notice of the suspension/exclusion if:

- the exclusion is permanent
- it is a fixed-term suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term
- it would result in a pupil missing a public examination.
- If requested to do so by parents and carers and the suspension totals more than 5.5 school days in one term

The Discipline committee of the Governing Body will consider the suspension or exclusion and decide whether or not to reinstate the pupil.

The committee can either decline to reinstate the pupil, or direct the reinstatement of the pupil immediately, or on a particular date.

In reaching a decision, the committee will consider whether the suspension or exclusion was lawful, reasonable and procedurally fair and whether the Head teacher followed their legal duties.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record. The committee will notify, in writing, the Head teacher, parents and carers and the Local Authority of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the committee's decision will also include the following:

- The fact that it is permanent.
- Notice of parents and 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 pupil's SEND are considered to be relevant to the exclusion
    - that, regardless of whether the excluded pupil has recognised SEND, parents and carers have a right to require the Local Authority to appoint a SEND expert to attend the review

- details of the role of the SEND expert and that there would be no cost to parents and carers for this
- that parents and carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents and carers may also bring a friend to the review.
- That parents and carers have the right to request the meeting be held remotely, remote meetings should only be held if requested by parents **or** in extraordinary circumstances (such as school closures or public health emergencies), provided all participants can fully participate. If parents request they must consider:
  - the technology being used for the meeting
  - whether they have appropriate space free from distractions to enable them to participate fully in the meeting
  - where the parent has limited internet access or intermittent service, they should not request a remote meeting
  - If the parent initially asks for a remote access meeting and decides to withdraw this request, they should inform the arranging body without delay.
  - If parents and 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 six months of the date on which the discrimination is alleged to have taken place.
  - Availability of free and impartial advice.
  - The committee should set out the reasons for its decision in sufficient detail to enable all parties to understand why the decision was made.

Removing a permanently excluded pupil's name from the school register

- The governing board must ensure that a pupil's name is removed from the register if 15 school days have passed since the parents and carers were notified of the governing board's decision to not reinstate the pupil and no application has been made for an independent review panel; or the parents and carers have stated in writing that they will not be applying for an independent review panel.
- Where an application for an independent review panel has been made within 15 school days, the school must wait until the review has been determined or abandoned; and the governing

board has completed any reconsideration recommended or directed by the panel before removing a pupil from the register.

Monitoring arrangements

The school will collect and analyse data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units, off-site direction to alternative provision and managed moves

The governors will challenge and evaluate this and consider the effectiveness and consistency in implementing the school's behaviour policy, and interventions in place to support pupils at risk of suspension or permanent exclusion. The governors will also consider the effectiveness of alternative provision and level of pupil moves to ensure this sanction is meeting its objectives and is only used when necessary.

The school will use this data to ensure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified, the school will review its policies to address this.

Appendix

Parents guide to Suspensions and exclusions

https://www.gov.uk/government/publications/school-exclusions-guide-for-parents