



## ALTERNATIVE PROVISION

# Suspensions Policy

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Approved by: [RAISE-AP Educational Directors](#)

Approval Signatures

*RAISE-AP  
Directors*

## Table of Contents

<b>Introduction .....</b>	<b>3</b>
<b>Aims.....</b>	<b>4</b>
<b>Misconduct .....</b>	<b>4</b>
<b>Investigation Procedure .....</b>	<b>5</b>
<b>Decision to Suspend .....</b>	<b>6</b>
<b>Roles and Responsibilities .....</b>	<b>7</b>
<b>RAISE-AP Educational Directors .....</b>	<b>8</b>
<b>Reinstatement .....</b>	<b>9</b>
<b>Independent Review.....</b>	<b>11</b>
<b>Registers.....</b>	<b>12</b>
<b>Returning from a Fixed Term Suspension.....</b>	<b>12</b>
<b>Monitoring.....</b>	<b>13</b>
<b>Raise Values .....</b>	<b>13</b>
<b>Appendix I .....</b>	<b>14</b>

## Introduction

This policy contains guidelines explaining the circumstances under which a student may be suspended on a fixed term or permanent basis from the provision. The policy applies to all pupils at the provision.

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014

This policy takes account of the provision's public sector equality duty set out in section 149 of the Equality Act 2010.

## Interpretation

The definitions in this clause apply in this policy.

**Head of Provision:** references to the Head of Provision

**Parent:** includes one or both of the parents, carer(s) or a legal guardian.

**Suspension** means removal from the provision for a fixed term or permanently following serious misconduct.

## Aims

The aims of this policy are:

1. To support the provision's behaviour policy
2. To ensure procedural fairness and consistency
3. To promote co-operation between the provision and parents and carers when it is necessary for the pupil to leave earlier than expected.
4. To ensure pupils in the provision are safe and happy as a community
5. To ensure students do not become NEET (not in education, employment or training)

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## Misconduct

The main categories of misconduct which may result in exclusion are:

- Supply / possession / use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco
- Repeated defiance and disruption that impacts the right to education to other students
- Theft, blackmail, physical violence, intimidation, discrimination of any kind or persistent bullying
- Misconduct of a sexual nature, supply or possession of pornography
- Possession or use of unauthorised firearms or other weapons
- Vandalism or computer hacking
- Violence against a pupil or adult within the provision community (this can be threatened or acted upon)
- Deliberate misuse of social media in order to threaten or bully another student/s or to bring the provision into disrepute.
- Other serious misconduct which affects the welfare of a member or members of the **RAISE-AP** community (a single episode or repeated episodes) on or off provision premises.

Behaviour related to a disability/protected characteristic: the provision will make reasonable adjustments for managing behaviour which is related to a student's disability/protected characteristic. Where suspension needs to be considered, **RAISE-AP** will ensure that a student is able to present his or her case fully where the disability/protected characteristic might hinder

this.

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## Investigation Procedure

### Complaint(s)

Investigation of a complaint or rumour or concern about serious misconduct will normally be co-ordinated by the Head of Provision, and its outcome will be reported to the [RAISE-AP](#) educational directors. Parents/carers will be informed as soon as reasonably practicable if a complaint under investigation is of a nature that could result in the pupil being suspended.

### Fixed term suspended

A pupil may then be subject to a fixed term suspended following this investigation based upon evidence made available to the provision via statements. The standard of proof shall normally be the civil standard, i.e. 'the balance of probabilities'. A pupil may be subject to a fresh suspension pertaining to the same incident, if the provision gains further evidence that informs 'the balance of probabilities' in the course of the provision's investigation than was available in the first 24 hours.

Should a fixed term suspension continue for a period of more than five provision days, the provision will put in place arrangements to ensure the continuing education of the pupil. The Head of Provision will co-ordinate these arrangements with the pupil's parents.

### Searches, Confiscation and Liaison with the Police and other partners

In line with current legislation the Head of Provision reserves the right to search pupils if they have reason to believe that they are carrying offensive weapons or illegal substances. Similarly, pupils can expect to be physically restrained if they present a danger to themselves or other members of the community. Parents/Carers will always be informed when this has happened.

If inappropriate articles are brought to [RAISE-AP](#) or used inappropriately they may be confiscated and kept securely in the provision for appropriate follow up according to this or other policy such as our Behaviour Policy. If these items are dangerous or illegal they may be handed to the Police for safe disposal.

[RAISE-AP](#) works closely with local police, social services and local schools in the Hampshire Safe partnership. If pupils are involved with any activity which breaks the law the police may be involved in the confiscation of items, Restorative Justice Conferencing, group work and education as well as links with home. Parents/Carers will

always be informed when the police are involved and given the opportunity to attend any interviews.

Similarly, the police will be involved if any student is suspected of having contact with an illegal substance. This includes possession, using or dealing. In such cases, the police will decide what course of action should be taken (See Drugs Policy) We will inform the relevant agencies through the use of an Inter-Agency Referral Form which is triaged by Children's Services.

### **Interview**

A pupil may be interviewed by members of staff detailed earlier to establish whether there are grounds for further action. A pupil who is waiting to be interviewed may be segregated from other pupils, but made as comfortable as possible, accompanied or visited regularly by a member of staff, and given access to a toilet and adequate food and drink.

### **Ethos**

An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.

### **Adjournment of an investigation**

It may be necessary to adjourn an investigation, for example where external agencies such as the police or social services are involved and have advised that this is necessary. A decision to adjourn an investigation will take into account advice from an appropriate external agency and will be subject to periodic review.

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## **Decision to Suspend**

Only the Head of Provision, or **RAISE-AP** educational directors, can suspend a pupil from the provision. A permanent suspension will be taken as a last resort and 'off rolling' as an alternative to suspension or alternative provision is unlawful.

We are committed to following all statutory suspension procedures and the decision to suspend a pupil will be taken only:

- In response to serious or persistent breaches of the provision's behaviour policy, and

- If allowing the pupil to remain in the provision would seriously harm the education or welfare of others

Before deciding whether to suspend a pupil, either permanently or for a fixed period, the Head of Provision will:

1. Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension were provoked
2. Allow the pupil to give their version of events
3. Consider if the pupil has special educational needs (SEN) or other circumstances to take into account.

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## Roles and Responsibilities

### Informing parents

The Head of Provision will provide the following information, in writing, to the parents of a suspended pupil:

- The reason(s) for the suspension.
- The length of a fixed-term suspension or, for a permanent suspension the fact that it is permanent.
- Information in the letters about parents' right to make representations about the suspension to the **RAISE-AP** educational directors and how the pupil may be involved in this.

Where there is a legal requirement for the **RAISE-AP** educational directors to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.

The Head of Provision will also notify parents in the letter that for the first 5 provision days of a suspension, or until the start date of any alternative provision where this is earlier, that parents are legally required to ensure that their child is not present in a public place during provision hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, subsequent to a suspension, the following information will be conveyed by key [RAISE-AP](#) staff (as outlined earlier) and alternative provision Headteacher/Leader as soon as arrangements are made:

- The start date for any provision of full-time education that has been arranged and a review point.
- 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.
- Any information required by the pupil to identify the person they should report to on the first day.

### **Informing the educational directors and local authority**

The Head of Provision will immediately notify the [RAISE-AP](#) educational directors and the local authority (LA) of:

- A permanent suspension , including when a fixed-period suspension is made permanent suspensions which would result in the pupil being excluded for more than 5 provision days (or more than 10 lunchtimes) in a term.
- Suspensions which would result in the pupil missing a public examination.

For a permanent suspension, if the pupil lives outside the LA in which the provision is located, the Head of Provision will also immediately inform the pupil's 'home authority' of the suspension and the reason(s) for it without delay.

For all other suspensions, the Head of Provision will notify the [RAISE-AP](#) educational directors and LA once a term.

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## **RAISE-AP Educational Directors**

Responsibilities regarding suspensions is delegated to the [RAISE-AP](#) educational directors.

A separate Panel drawn from the board and convened by the Clerk will have a duty to consider the reinstatement of a suspended pupil. Within 14 days of receipt of a request, the [RAISE-AP](#) educational directors will provide the secretary of state and the LA with information about any suspensions in the last 12 months.

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## Reinstatement

The Panel will consider the reinstatement of a suspended pupil within 15 provision days of receiving the notice of the suspension if:

- The suspension is permanent
- It is a fixed-term suspension which would bring the pupil's total number of provision 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, the panel will consider the reinstatement of an suspended pupil within 50 provision days of receiving notice of the suspended if the pupil would be suspended from [RAISE-AP](#) for more than 5 school days, but less than 15, in a single term.

Where a suspension would result in a pupil missing a public examination, the Panel will endeavour to consider the reinstatement of the pupil before the date of the examination. The Panel 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 Panel will consider whether the suspension was lawful, reasonable and procedurally fair and whether the Head of Provision followed their 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 suspend.

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 Panel will notify, in writing, the Head of Provision, parents and the LA of its decision, along with reasons for its decision, without delay.

Where the suspension is permanent, the Panel's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel
- 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 SEN are considered to be relevant to the exclusion
- That, regardless of whether the suspended pupil has recognised SEN, parents have a right to require the provision to appoint an SEN expert to attend the review
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the suspension 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

## Independent Review

If parents apply for an independent review, the provision will arrange for an independent panel to review the decision of the [RAISE-AP](#) educational directors not to reinstate a permanently suspended pupil.

Applications for an independent review must be made within 15 provision days of notice being given to the parents by the Panel of its decision to not reinstate a pupil.

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 governor category, and 2 members will come from the headteacher 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 headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years A person may not serve as a member of a review panel if they:
  - Are a Member or Trustee of the provision or governing board of [RAISE-AP](#). Are the Head of Provision of [RAISE-AP](#), or have held this position in the last 5 years
  - Are an employee of the provision or the governing board, of [RAISE-AP](#) (unless they are employed as a headteacher at another school)
  - Have, or at any time have had, any connection with [RAISE-AP](#), the governing board, parents or pupil, or the incident leading to the suspension, which might reasonably be taken to raise doubts about their impartiality
  - Have not had the required training within the last 2 years

A clerk will be appointed to the panel and the independent panel will decide one of the following:

1. Uphold the governing board's decision
2. Recommend that the governing board reconsiders reinstatement
3. 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.

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## Registers

A permanently suspended pupil's name will be removed from the provision admissions register if:

- 15 provision days have passed since the parents were notified of the suspension panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents 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 [RAISE-AP](#) educational directors will wait until that review has concluded before removing a pupil's name from the register.

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

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

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## Returning from a Fixed Term Suspension

Following a fixed-term suspension, a return to provision meeting will be held involving the pupil, parents/carer, the Head of Provision and other staff, where appropriate. Further measures may be implemented when a pupil concludes a fixed-term suspension including but not exclusively:

- Direction to Alternative Provision at another educational establishment
- Agreeing a behaviour contract
- Placing a pupil 'on report'
- Referrals for support for the pupil (ELSA, counselling at the provision, a provision mentor, CAMHS, Restorative conversations/conferencing etc...)

## Monitoring

The Head of Provision monitors the number of suspensions every term and reports back to the [RAISE-AP](#) educational directors.

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## Raise Values

Our [RAISE-AP values](#) (Resolve, Attitude, Invest, Social Skills and Education) are key in everything we do, specifically with attitudes (modelling and expectations), invest (tailoring setup for our young people) social skills (becoming part of a community) which are linked to our Suspensions policy.

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## Appendix I

**RAISE-AP** must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act