SUSPENSION & EXCLUSION POLICY

VERSION CONTROL

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1. Aim

The Hive College is committed to providing a safe, inclusive and supportive learning environment for all students, all of whom have special educational needs and disabilities (SEND).

We aim to:

- Apply suspension and exclusion procedures fairly, proportionately and consistently
- Ensure all staff, students and parents/carers understand the process
- Prioritise early intervention, de-escalation and pastoral support
- Avoid exclusion wherever possible
- Ensure decisions are lawful, trauma-informed and SEND-compliant
- Work in partnership with families, local authorities and external professionals
- Support students to remain engaged in education

At The Hive College, exclusion is always a **last resort**.

2. Legislation and Statutory Guidance

This policy is informed by and aligns with the following legislation and guidance:

Primary legislation

- Education Act 2002 (Section 51A) – provides the legal framework for exclusions in maintained schools and academies (applied here as best practice within a further education context)
- Education Act 2011 – amendments relating to discipline and exclusions
- Education and Inspections Act 2006 – sets out parental responsibility for excluded learners

Statutory regulations

- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended
- The Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026

SEND and equality legislation

Given the specialist nature of The Hive College, the following legislation is central to all decisions:

- Equality Act 2010
    - Requires reasonable adjustments for disabled students
    - Prohibits discrimination arising from disability
- Children and Families Act 2014
    - Governs Education, Health and Care Plans (EHCPs)
    - Places duties on settings to meet SEND needs

Statutory guidance

This policy has regard to:

- Department for Education (DfE) statutory guidance:
  "Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement"
- Arranging Alternative Provision (DfE guidance)
- Keeping Children Safe in Education (KCSIE)
    - Ensures safeguarding considerations underpin all decisions
- SEND Code of Practice (2015)

Application within The Hive

Although statutory exclusion guidance is written primarily for schools, The Hive College applies these principles as **best practice,** adapting them appropriately for:

- A post-16 further education environment
- A highly specialised SEND cohort
- Students with EHCPs and complex needs

All decisions are made in line with:

- The college's duties under equality and SEND legislation
- Its safeguarding responsibilities
- Its commitment to inclusion and reasonable adjustment

In the event of any conflict between statutory guidance and the needs of post-16 learners, The Hive College will apply the law in a way that prioritises safeguarding, equality, and the individual needs of students.

4. Roles and responsibilities

4.1 The Principal

The Principal is responsible for decisions on suspension and permanent exclusion.

Decision-making principles

The Principal will:

- Use exclusion only as a **last resort**
- Consider behaviour in the context of SEND
- Ensure decisions are lawful, reasonable and fair
- Take account of:
    - EHCP needs
    - Safeguarding concerns
    - Pastoral history
    - Student voice

Before any suspension or exclusion

The Principal must ensure:

- Review of the student's EHCP and support plan
- Consultation with:
    - Designated Safeguarding Lead (DSL)
    - Relevant teaching and pastoral staff
- Consideration of whether behaviour is linked to:
    - Communication needs
    - Sensory needs
    - Trauma or anxiety

Alternatives considered should include:

- Increased pastoral support (via Pastoral Lead / Pastoral Assistant)
- Timetable adjustments (short-term and supportive)
- Multi-agency involvement
- Early annual review of EHCP
- Risk assessment updates

Safeguarding

The Principal will ensure all decisions:

- Align with safeguarding duties
- Protect the welfare of all students and staff
- Involve the DSL where risk is identified

Communication

The Principal will:

- Inform parents/carers and students promptly
- Provide written confirmation of:
    - Reasons for suspension/exclusion
    - Length or permanence
    - Right to make representations

4.2 Designated Safeguarding Lead (DSL)

The DSL will:

- Advise on safeguarding risks linked to behaviour
- Contribute to decision-making where vulnerability is present
- Ensure safeguarding needs remain central

4.3 Professionals including Occupational Therapist, Speech & Language Therapist

Professionals will:

- Provide guidance on SEND needs
- Ensure reasonable adjustments have been considered
- Advise on alternative strategies

4.4 Pastoral Team

The Pastoral team are responsible for:

- Early intervention and behaviour support
- Reintegration planning
- Liaison with families
- Monitoring students at risk of suspension

4.5 Teaching and Support Staff

Class staff will:

- Implement the student's Behaviour Plan
- Record incidents accurately
- Escalate concerns early

- Support reintegration

4.6 Board of Trustees

The Board of Trustees is responsible for:

- Reviewing exclusion decisions when required
- Ensuring compliance with:
    - Equality Act 2010
    - SEND legislation
- Monitoring patterns and trends

The Board will:

- Evaluate exclusion data
- Challenge leadership where necessary
- Ensure exclusion remains a last resort

5. Grounds for Exclusion or Suspension

Use of Suspension

At The Hive College:

- Suspension is used rarely and proportionately
- It will not be used:
    - Due to unmet SEND needs
    - Due to resource limitations

The following examples of behaviour may warrant the decision to suspend or exclude a student:

- Physical assault against a student
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a student
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Bullying
- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse

Students can be suspended on a fixed-period basis, i.e. for up to 45 college days within a year, or permanently excluded. Similarly, students can be permanently excluded following a suspension, where further evidence is presented. In all cases, the Executive Principal will decide whether a student will be subject to a suspension or an exclusion, depending on what the circumstances warrant.

Repeated suspensions will trigger:

- Formal review
- Multi-agency involvement
- Consideration of alternative provision

6. Permanent Exclusion

Permanent exclusion will only occur where:

- There are **serious or persistent breaches** of policy AND
- The presence of the student poses a **significant risk**

All decisions will demonstrate:

- Evidence of support already provided
- Consideration of SEND and safeguarding
- Exploration of alternatives

7. Duty to inform parents

- Following the decision to suspend or exclude a student, the Executive Principal will immediately inform the parents in person or by telephone, supported by written confirmation, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.
- Parents have the right to raise any concerns about the suspension or exclusion to the Executive Principal and/ or to the board of trustees.
- The board of trustees will consider any representations made by parents regarding suspensions and exclusions.
- Parents and, where requested, a friend or representative, the Executive Principal, and a member of the LA will be invited to attend any consideration of suspensions and exclusions and will be able to make representations.
- Where it is appropriate to the student's level of understanding, the student will also attend any consideration meeting and will be enabled to make a representation on their own behalf, if they desire to do so.

8. Criminal investigations

- The Executive Principal will not postpone taking a decision to suspend or permanently exclude a student due to a police investigation being underway, or any criminal proceedings that are in place.
- The Executive Principal will give particular consideration when deciding to suspend or permanently exclude a student where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.
- If the board of trustees is required to consider the Executive Principal's decision in these circumstances, they will make a decision based on the evidence available.

9. Reintegration

The Board of Trustees and Executive Principal will consider and decide on the reinstatement of a suspended or permanently excluded student within 15 college days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
- It is a suspension that would bring the student's total number of days out of college to more than 15 in a term

Where the student has been suspended, and the suspension does not bring the student's total number of days of suspension to more than 5 in a term, the Board of Trustees must consider any representations made by parents, carers and student. However, it is not required to arrange a meeting with parents, carers and student and it cannot direct the Executive Principal to reinstate the student.

Where the student has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents, carers and student make representations to the board, the Board of Trustees will consider and decide on the reinstatement of a suspended student within 50 school days of receiving notice of the suspension. If the parents, carers and students do not make representations, the board is not required to meet and it cannot direct the Executive Principal to reinstate the student.

The following parties will be invited to a meeting of the Board of Trustees and allowed to make representations or share information:

- Parents, carers and student (and, where requested, a representative or friend, and where appropriate, more than 1, subject to reasonable limits set by the governing board)
- The Executive Principal
- The student's social worker, if they have one

The meeting can be held remotely at the request of parents, carers and student.

The Executive Principal and Board of Trustees will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The Executive Principal and Board of Trustees can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, the Executive Principal and Board of Trustees will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the Executive Principal followed their legal duties
- The welfare and safeguarding of the student and their peers
- Any evidence that was presented to the governing board

They will decide whether or not a fact is true 'on the balance of probabilities'.

The Chair and Governance & Compliance Officer will be present when the decision is made.

Minutes will be taken of the meeting and a record kept of the evidence that was considered. The outcome will also be recorded on the student's educational record and copies of relevant papers will be kept with this record.

The Executive Principal and Board of Trustees will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, carers and student
- The Executive Principal
- The student's social worker, if they have one
- The local authority
- The student's home authority, if it differs from the school's

Where an exclusion is permanent and the Executive Principal and Board of Trustees has decided not to reinstate the student, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of Executive Principal and Board of Trustees 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 (15 college days from the date on which notice in writing of the governing board's decision is given to parents, carers and student)
- The name and address to which an application for a review and any written evidence should be submitted

- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the student's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That parents, carers and student may, at their own expense, appoint someone to make written and/or oral representations to the panel
- That, if parents, carers and student believe that the permanent exclusion has occurred as a result of unlawful 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. Also, that any 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

9.1 Reintegration approach

Should an appeal be successful following a permanent exclusion or after a suspension, following suspension, period of off-site direction, or separation for safeguarding purposes, the college will put in place a strategy to help the student reintegrate successfully into college life and full-time education.

The college will provide:

- A personalised reintegration plan
- A named key worker
- Adjusted support and strategies

The college will:

- Review EHCP needs
- Update risk assessments
- Work with parents/carers and professionals

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the student, parents, carers and other relevant parties.

9.2 Reintegration meeting

The college will clearly explain the reintegration strategy to the student in a reintegration meeting before or on the student's return to college. During the meeting the college will communicate to the

student that they are getting a fresh start and that they are a valued member of the college community.

Attendees may include:

- Student
- Parent/carer
- Pastoral Lead
- Relevant staff

The purpose is to:

- Support a fresh start
- Agree strategies
- Reinforce expectations

10. Monitoring and Review

The following will be monitored:

- Suspensions and exclusions
- Patterns by group (FSM, safeguarding, ACEs)
- Repeat incidents

Responsibility:

- **Designated Safeguarding Lead & Pastoral Manager** – data analysis
- **Principal** – reporting to Board
- **Board of Trustees** – strategic oversight

The college will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of students are identified by this analysis, the college will review its policies in order to tackle it.

11. Linked Policies

- Behaviour Policy
- Safeguarding Policy
- Equality and Diversity Policy