MIRASUR SCHOOL

Suspension, Expulsion and Required Removal in Other Circumstances Policy

Mirasur School

SPAIN

Registered in England & Wales - Cognita Schools Limited No. 02313425
Registered Office: Seebeck House, One Seebeck Place Knowlhill, Milton Keynes, Buckinghamshire, MK5 8FR

1. Introduction

1.1. This policy outlines the use of suspension, expulsion, and required removal in other circumstances as steps that may be taken by the Headteacher/Principal. The aim of this policy is to ensure procedural fairness and natural justice and to promote co-operation between the school and parents when it is necessary to consider these steps.

1.2. The insistence on high standards is based on the following principles:

- The foundation of mutual respect
- A focus on commending positive behaviour
- Consistency and fairness
- Affirmation of the value of the individual whilst acknowledging the inappropriateness of some behaviours

1.3. These principles are backed up by a system of rewards and, where necessary, appropriate sanctions, the most serious of which are laid out below and which are covered by this policy and which the School commits to applying in a fair, consistent, and non-discriminatory manner.

1.4. This policy should be read in conjunction with the School's Parent Contract, Behaviour Policy, Anti-Bullying Policy, Safeguarding and Child Protection Policy. Use of Reasonable Force Restrictive Interventions, and/or Restraint Policy (incorporating Searching, Screening and Confiscation), and Drug and Alcohol Policy.

1.5. For the purposes of this policy "working days" refers to weekdays (Monday to Friday) during term time, excluding local, regional, and/or national bank holidays and half term, according to the school's published calendar.

1.6. For the purposes of this policy 'parent' includes one or both parents, or a legal guardian.

2. Application of this Policy

2.1. The policy applies to all pupils and parents at the School. This policy does not cover cases when a pupil has to leave because of ill-health, or where the pupil is required to leave because the School is unable to provide adequately for a pupil's special educational needs.

3. Suspension, Expulsion and Required Removal in Other Circumstances

3.1. The following measures are available to the Headteacher:

a) **Suspension** (also known as a Temporary or Fixed Term Exclusion) – when a pupil is sent home for a limited period either as a disciplinary measure or to allow for the investigation of an allegation of serious misbehaviour or during a review of a decision to expel or remove the pupil in other circumstances.

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b) **Expulsion** (also known as a Permanent Exclusion) – when a pupil is required to leave the school permanently.

c) **Required Removal in other circumstances** – when the School requires the parents to remove the pupil permanently from the School

d) **Internal Exclusion** - The School may also operate a system of 'internal exclusion.' This is not registered as a formal exclusion as the pupil is not sent home from School.

Suspension (Fixed Term Exclusion)

3.2. Pupils may be suspended from School as a disciplinary sanction for disciplinary breaches which are serious but not serious enough to warrant expulsion. Suspension may also be applied where the pupil has engaged in a series of less serious offences, for example, where repetition of these offences indicates the pupil's unwillingness to conform to an acceptable pattern of behaviour.

3.3. A pupil may also be suspended as a neutral act pending the outcome of a disciplinary investigation.

3.4. A pupil shall be suspended from the School pending the outcome of a review of a decision to expel or require the removal of a pupil from the School.

3.5. During any period of suspension, the pupil shall remain away from School and will have no right to enter School premises or to attend School trips during that time without permission from the Headteacher/Principal. This also applies in relation to external exams, and it may be, in certain circumstances, that arrangements have to be made for the pupil to take their exams isolated from their peers or elsewhere.

Expulsion (Permanent Exclusion)

3.6. Pupils may be expelled from the School in the event a pupil has committed a very grave breach of discipline or a serious criminal offence. This could be a single incident or a series of incidents, including a series of minor misdemeanours. The Headteacher/Principal's decision to expel shall be subject to a review, if requested by the parents – see below.

3.7. A list of indicative behaviours which may result in expulsion are listed below. This list is not exhaustive. Expulsion is reserved for the most serious breaches.

Required Removal in Other Circumstances

3.8. The parent may be required to remove their child permanently from the School if, after consultation with the parent/s (and if appropriate the pupil), the Headteacher is of the opinion that:

- The pupil has committed a breach or breaches of the School rules or discipline for which removal is the appropriate sanction; or

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- By reason of the pupil's conduct, behaviour or progress, the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and/or the community life offered by the School; or
- The parents have treated the School, members of its staff or any member of the School community unreasonably.

3.9. The School reserves the right to impose sanctions for parental behaviour falling short of required removal, including but not limited to placing restrictions on a parent's access to School / School events, communications with the School and/or the imposition of a warning (up to and including a final written warning).

3.10. The Headteacher's decision to require removal shall be subject to a review, if requested by the parents – see below.

Internal Exclusion

3.11. The School may also operate a system of 'internal exclusion' akin to Removal (as defined in the Use of Reasonable Force Policy).

3.12. It is not the same as Required Removal in Other Circumstances detailed below. Despite the term, internal exclusion is not registered as a formal exclusion/suspension as the pupil is not sent home from School.

3.13. Internal exclusion is a limited and temporary intervention (for no longer than 2 days or less) to accommodate those pupils who have been 'removed' from a lesson at short notice for serious disciplinary reasons, poor behaviour and/or conduct (which is not so serious as to warrant consideration under this policy) so that other pupils may continue their learning uninterrupted. **The pupil will be supervised by staff during this time**.

3.14. The use of Internal Exclusion should allow for continuation of the pupil's education in a supervised setting in the school. It must only be used when necessary and once all other behavioural strategies in the classroom have been attempted, unless the behaviour is so extreme as to warrant immediate removal. Parents/carers must be informed on the same day if their child has been removed from the classroom, and the incident must be recorded by the school using Appendix A in the Use of Reasonable Force, Restrictive Interventions, and/or Restraint, incorporating Searching, Screening, and Confiscation Policy. The form must be sent to the Regional safeguarding Lead (RSL).

Seclusion

3.15. The above Internal Exclusion in school, is also different from 'Seclusion' which is a non-disciplinary intervention involving keeping a pupil confined to a place away from others in a safe place but prevented from leaving. Seclusion must only be used as a safety measure to protect others from harm when a pupil is experiencing high levels of emotional or behavioural dysregulation. In such circumstances, the pupil is not acting with intent.

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3.16. Seclusion, therefore, is not a disciplinary response to deliberate or wilful misbehaviour and should not be implemented by staff through threat of punishment. **The pupil must be supervised at all times during the period of seclusion**.

3.17. As soon as the immediate risk of harm has reduced, the pupil should be allowed to leave. The Seclusion incident must be recorded by the school using Appendix A in the Use of Reasonable Force, Restrictive Interventions, and/or Restraint, incorporating Searching, Screening, and Confiscation Policy and sent to the Regional safeguarding Lead (RSL).

4. Examples of Relevant Pupil Behaviour

4.1. This is a non-exhaustive list of the types of behaviour which may result expulsion or required removal:

- Breach of School rules
- Persistent disruptive behaviour
- Persistent attitudes or behaviour which are inconsistent with the ethos of the School
- Committing a criminal offence, including (but not limited to) theft or blackmail
- Physical violence, threatening behaviour and/or fighting
- Drug use (including drinking alcohol, smoking, or vaping) (see Drug and Alcohol Policy)
- Supply, and/or possession of drugs and solvents or their paraphernalia or substances intended to resemble them (see Drug and Alcohol Policy)
- Intimidation, harassment, coercion, exploitation, extortion, and bullying, including cyber-bullying and hazing (see Safeguarding Policy and Anti-Bullying Policy)
- Misconduct of a sexual nature including harmful sexual behaviours, sexual harassment (including online) and sexual violence.
- “sexting”, sending, sharing and/or possessing self-generated sexual imagery/videos including those which are AI generated
- Having or sharing pornography and/or indecent images of adults, and/or child abuse imagery (with or without consent)
- Inappropriate use of social media and/or technology, including hacking, and/or creating fake online profiles/sexual or other images of pupils/staff/school etc including the use of AI generated imagery/videos
- Possession or use of unauthorised firearms or any other weapon or item intended to cause harm or with the potential to cause harm
- Wilful damage to property and/or vandalism
- Malicious accusations against a member of staff or pupil (on/offline)
- Discriminatory conduct or language (including misogynistic, misandrist, sexist, racist, homophobic bi-phobic and/or transphobic abuse) (on/offline)
- Cheating, including plagiarism, including the use of AI when not authorised
- Other serious misconduct toward any member of the school community or conduct which brings the school into disrepute (single or repeated episodes), on or off the school premises including but not limited to on social media or any other means such as the publication of, or participation in the publication of, defamatory press articles.

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5. Examples of Relevant Parental Behaviour

5.1. This is a non-exhaustive list of types of parental behaviour which may result in required removal of their child

- Breaching the Parent Contract (as amended and updated from time to time)
- Causing serious or repeated nuisance on the School premises
- Acting aggressively or inappropriately towards staff, other parents and/or other pupils, either physically and/or verbally (including but not limited to via social media or electronic communication)
- Inappropriately using school-related technology, including hacking
- Creating fake online profiles; creating and /or sharing sexual or other images of pupils/staff/the school etc including the use of AI generated imagery/videos
- Bringing the School and/or its staff into disrepute including but not limited to via social media, electronic communication (including messaging apps) and/or any other means such as the use of AI generated content and/or the publication of, or the participation in the publication of, defamatory press articles
- Failing to respect the principles of the School
- Communicating with the School in person or in writing (directly or indirectly), in a manner which is deemed voluminous, and/or relentless, and/or confrontational, and/or unreasonable and/or aggressively;
- Behaving in a way which adversely affected (or in a manner which is likely to adversely affect) the welfare of a member or members of the School community.

6. Procedure - Suspension (Fixed-Term Exclusion)

6.1. This section does not apply to suspensions applied pending the outcome of an investigation or pending a review of a decision to expel or require removal.

6.2. Only the Headteacher/Principal (or a member of staff acting on their behalf) can suspend a pupil.

6.3. Before deciding to suspend a pupil, the Headteacher/Principal will ensure that a proportionate and appropriate investigation of the alleged incident is carried out (by the Headteacher/Principal or their nominee). Any findings of fact will be made on the balance of probabilities.

6.4. Once a decision has been reached to suspend a pupil, the Headteacher must inform parents as soon as reasonably practicable.

6.5. The Headteacher/Principal will also write to confirm the suspension and provide clear reasons for the suspension and the length of time the pupil is to be suspended for. The reasons may include a cooling off period for the pupil and time for a fuller investigation to take place, should that be considered necessary in the circumstances.

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6.6. The findings of the investigation will be recorded and the notes concerning the investigation placed in the pupil's file.

6.7. There is no right to review a suspension unless the suspension is for more than 11 School days or would prevent the pupil taking a public examination. The procedure for review is set out below.

6.8. A suspension (imposed as a disciplinary sanction as opposed to a suspension in place pending the outcome of an investigation or pending the outcome of a review of a decision to expel or require removal) can last anything from one (1) School day to five (5) School days depending on the severity of the incident. No more than fifteen (15) days of suspension (as a disciplinary sanction) can be given in one academic term.

6.9. After a period of suspension, parents and their child will be required to attend school on the day of their return for a re-integration meeting prior to the pupil rejoining lessons. This will generally be prior to the start of the school day. The Re-integration Meeting will usually last no longer than 30 minutes and will be an opportunity for the School, parents, and pupil to meet to among other things offer a process of restorative justice (where appropriate) and to agree expectations for future behaviours.

7. Procedure – Expulsion (Permanent Exclusion) or Removal in Other Circumstances

7.1. Only the Headteacher/Principal can expel a pupil or require their removal in other circumstances.

7.2. Before a decision is taken to expel or require removal the Headteacher/Principal will ensure an appropriate and proportionate investigation into the alleged incident/s is carried out (by the Headteacher/Principal or their nominee). Any findings of fact will be made on the basis of the balance of probabilities.

7.3. Parents will be informed as soon as reasonably practicable if a complaint or allegation under investigation is of a nature that could result in the pupil being excluded or removed.

7.4. The School reserves the right to suspend the pupil as a neutral act during an investigation procedure.

7.5. Prior to any decision being taken by the Headteacher/Principal to exclude or require the removal of the pupil, the Headteacher/Principal will meet with the pupil and their parents. The local authority may also be informed. In circumstances involving the possibility of the pupil's required removal on the grounds of parental unreasonable behaviour, only the parents will attend the meeting

7.6. If the Headteacher/Principal considers that further investigation is needed, the meeting may be adjourned, and the reason for the adjournment will be explained to the pupil / their parents.

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7.7. Following the conclusion of the meeting the Headteacher/Principal will reach their decision on the balance of probabilities. Before expelling or requiring the removal of a pupil, the Headteacher/Principal must consult with their Managing Director. The Headteacher/Principal will communicate their decision to the parents in writing within five working days from the meeting.

Withdrawal

7.8. Some parents, may, after due consideration, prefer to voluntarily withdraw their child from the School prior to the decision of the Headteacher to expel or require removal being communicated in writing to the parents. However, it must clearly be understood by all parties that the Headteacher/Principal reserves the right to insist on expulsion or removal. If the decision of the parents is to withdraw their child they waive any right to an appeal.

8. Review of Expulsion or Required Removal in Other Circumstances

8.1. The School will always offer the right of appeal to any pupil who is expelled or required to be removed from the School.

8.2. If the parents want to appeal the decision they should write to the Managing Director setting out their grounds of appeal. This request must be received within seven (7) working days of the date the decision was communicated the parents in writing by the Headteacher.

8.3. Following the receipt of a review request, the Managing Director will convene a three-member review panel, usually within ten (10) working days. One member of the Review Panel will be independent of the day-to-day management of the school. The panel members will have no detailed knowledge of the case or of the pupil or parents and may include the Director of Education (Europe and USA). Parents will be notified in advance of the names of the panel members.

8.4. Where a review is requested, the pupil **will be treated as suspended** pending the review. While suspended, the pupil shall remain away from School as detailed in paragraph 6.

9. Review Panel Meeting

9.1. The appointed panel will meet to review the appeal at a review panel meeting and one member of the panel will be appointed as Chair.

9.2. The review meeting is not a legal process but a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law.

9.3. The panel will have discretion to determine how the review meeting will take place including whether it take places in person or online, whether any further investigation or

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information should be requested and who should attend. The parents and the Headteacher/Principal will always be invited to attend. The panel may also invite other relevant parties to attend, for example, relevant staff members.

9.4. The parents may be accompanied by a friend or relation. The Headteacher/Principal may be accompanied by a colleague. Legal representation is not permitted.

9.5. A clerk should be present in the meeting to keep a written record of the main points discussed at the meeting and these will be shared with the parents and the Headteacher/Principal after the meeting. Other parties attending may wish to take their own written notes. Audio or video recordings of the meeting are not permitted by any party.

9.6. The panel chair will lead the meeting. All parties are expected to show courtesy, restraint, and good manners. If this is not the case, then the chair of the panel may at their discretion adjourn or terminate the meeting.

9.7. The parents and the Headteacher/Principal will be given a reasonable opportunity to make submissions to the panel.

9.8. After the due consideration of all the facts the panel consider relevant, the panel will make findings as to whether the decision to expel or require removal was a reasonable decision and decide whether to uphold the appeal or not. The panel may make its decision by majority.

9.9. The decision of the panel will be notified, with reasons, to the parents by the Chair of the panel by letter within five working days of the meeting. The decision of the review panel is final and there is no further right of appeal.

10. Leaving Status

10.1. The School reserves the right to record the leaving status of the pupil on the pupil's file immediately following expulsion or removal or withdrawal. In the event the parents request a review of the decision to expel or require removal, the pupil will be suspended for the period pending the outcome of that review and the leaving status will be confirmed / updated following the outcome of that review process.

11. Recording and Monitoring

11.1. Where the sanction imposed is exclusion, required removal or suspension, the written report on the investigation will be placed on the pupil's file.

11.2. Details of the expulsion, required removal or suspension will be recorded on the School's Sanctions Record.

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12. Availability of this Policy

12.1. This policy is available to parents and prospective parents on request from the School office and can also be accessed on the School website.

.Version control:

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