**Post-16 Special Educational Needs (SEN) Suspension and Exclusion Policy Statement**

**To be read as annex 1 of the Person Centred Behaviour Policy**

**1. Introduction** This policy outlines the procedures and guidelines for suspensions and exclusions of post-16 learners with Special Educational Needs (SEN) under the UK’s statutory framework, including those with an Education, Health and Care Plan (EHCP). The policy is designed to ensure fairness, consistency, and compliance with the SEND Code of Practice (2015) and relevant post-16 statutory guidelines.

**2. Legal Framework** This policy is informed by:

* The SEND Code of Practice: 0 to 25 years (2015)
* The Children and Families Act 2014
* The Equality Act 2010
* DfE guidance on exclusions (2023)
* Post-16 statutory guidance for education providers

**3. Code of Conduct and Learner Agreements** All learners are expected to adhere to the institution’s Code of Conduct and Learner Agreement. These documents outline acceptable behaviour, attendance expectations, and academic standards. They serve as a foundation for promoting a safe and respectful learning environment for all.

**4. Grounds for Suspension and Exclusion** The institution reserves the right to suspend or exclude learners in response to:

* Serious breaches of the Code of Conduct
* Behaviour that threatens the safety and well-being of others
* Persistent disruptive behaviour despite interventions
* Drug use, possession, or distribution
* Acts of violence, including verbal, physical, or threatening behaviour

**5. Drugs and Violence Policy** Incidents involving drugs or violence will result in immediate suspension pending an investigation. A formal risk assessment will be conducted, and appropriate authorities may be involved if necessary. This approach is in line with safeguarding protocols and aims to maintain a safe educational environment.

**6. Considerations for Learners with EHCPs** When considering suspension or exclusion for a learner with an EHCP, the following additional steps will be taken:

* An emergency review of the EHCP to assess if additional support or alternative strategies could prevent exclusion.
* Consultation with parents, carers, young person, and external agencies involved in the EHCP
* Exploration of reasonable adjustments to meet the learner’s needs, considering all previous adjustments.

**7. Investigation and Decision-Making Process** A fair and thorough investigation will be conducted for all incidents. Learners and relevant parties will be given the opportunity to provide their perspective. Decisions on suspensions or exclusions will consider the learner’s SEN status and EHCP provisions.

**8. Support During Suspension** During a suspension, learners with SEN will continue to receive appropriate educational support, including access to learning materials and virtual or alternative learning arrangements where feasible.

**9. Appeals Process** If a learner or their parent/carer/young person disagrees with a suspension or exclusion decision, they have the right to appeal. The appeals process involves:

* Submitting a written appeal within 10 working days of the decision
* An independent panel review, including members not previously involved in the case
* Consideration of all evidence, including SEN and EHCP needs
* A final decision communicated in writing within 5 working days of the appeal hearing

**10. Conclusion** This policy aims to balance the need for discipline with the institution’s duty to support all learners, particularly those with SEN. Maintaining a safe and inclusive environment is paramount, and every effort will be made to support learners at risk of exclusion while upholding the integrity of the educational setting.

For further information, please refer to the full Code of Conduct and Learner Agreement documents or contact the SEN team.