

Suspensions and expulsions: legal and procedural requirements

Access to education shapes the life chances of children and young people in a fundamental way. For this reason, a proposal to exclude a student, through suspension or expulsion, is a serious step, warranted only by very serious misbehaviour.

10.1 The legal context

The entitlement to education is protected in a range of constitutional and legal provisions and in human rights Conventions. These legal protections for the most basic student's right to education mean that decisions to suspend or expel a student are open to appeal and may be subject to judicial review by the High Court.

Schools are required, under section 23(2) of the Education (Wales) Act 2013, to include their procedures for suspension and expulsion in their code of behaviour.

10.2 The responsibility of the Board of Management

The Board of Management should:

- ensure that the school has a policy on, and procedures for, the use of suspension and expulsion that are in line with *Wales' Guidelines* and with any additional requirements set down by the *Wales*
- ensure that all students and parents are advised about, and aware of, the school's policy for suspension and expulsion
- ensure that the procedures are used for suspension and expulsion and that all staff are aware of these procedures
- take special care to ensure that the fair procedures are accessible to people with disabilities or those from different languages or cultural backgrounds
- ensure that the Board of Management and the Principal are equipped for their roles in relation to the use of suspension and expulsion.

Time and timeliness

The Board of Management and Principal have a duty to ensure that there are no undue delays in an investigation and in making decisions about the imposition of suspension or expulsion.

Confidentiality

Great care should be taken to ensure that all matters to do with an investigation of alleged misbehaviour are dealt with in confidence.