

## SUSPENSION & EXCLUSION POLICY

Version v3	Date 01/09/23
Last reviewed	September 2023
Date of next review	September 2024
Owner	Principal
Approver	Academy Council

### 1. Rationale

Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education. Northern Ambition Trust recognises that school exclusions, managed moves and off-site direction are essential behaviour management tools for headteachers and can be used to establish high standards of behaviour in schools and maintain the safety of school communities.

For most pupils, suspensions and permanent exclusions may not be necessary, as other strategies can manage their behaviour. If these approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff can work in safety and are respected.

This policy reflects the most recent guidance provided by the Department for Education as set out in '*Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools, academies, and pupil referral units in England (updated September 2023)*'. This policy is compliant with the following legislation:

- the Education Act 2002, as amended by the Education Act 2011
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- the Education and Inspections Act 2006
- the Education Act 1996
- 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.

### 2. Introduction

The decision to suspend a student will be taken in response to a serious breach of the Academy's Behaviour Policy.

Suspension and exclusion are serious sanctions and only administered by the principal (or, in the absence of the Principal, the Vice-Principal). Suspension and exclusion may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the Academy's Behaviour Policy:

- Failure to comply with a reasonable request from a senior member of staff.
- Breaches of health and safety rules.
- Verbal abuse of staff, other adults, or students.
- Possession of drugs, tobacco, smoking/vaping paraphernalia, weapons and blades, energy drinks and/or alcohol related offences.
- Smoking/vaping on the school grounds.
- Leaving the school site without permission.
- Failure to comply with the requirements of the Academy behaviour policy.

- Wilful damage to property.
- Bullying of any kind, including cyber, prejudice and discrimination-based bullying.
- Sexual misconduct and harmful sexual behaviour.
- Theft.
- Unacceptable behaviour off-site whilst representing the school or wearing the academy uniform.
- Inappropriate use of social networking and media sites and mobile phones.
- Making a false allegation.
- Persistent defiance or disruption.
- Physical assaults on staff, students, or other adults.
- Other serious breaches of Academy rules or Home-School Agreement.

This is not an exhaustive list and there may be other situations where the principal makes the judgement that suspension and exclusion are appropriate sanctions. All decisions to suspend and exclude are serious and only taken as a last resort or where the breach of the Academy rules is significant.

### 3. Suspension and Exclusion Procedure

Any decision of a principal, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e., that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

When establishing the facts in relation to a suspension or permanent exclusion decision the principal must apply the civil standard of proof, i.e., 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the principal should accept that something happened if it is more likely that it happened than that it did not happen.

The principal will, as far as is practicable, also take the student's views into account, considering these considering their age and understanding, before deciding to exclude.

The Academy will not discriminate against students based on protected characteristics, such as disability or race. The Academy will consider the fair treatment of students from groups who are vulnerable to exclusion. The principal may consider any contributing factors that are identified after an incident of poor behaviour has occurred e.g., where a student has suffered from a bereavement, mental health issues or was subject to provocation.

Most exclusions are fixed term in nature and are of short duration (usually between one and five days). These are now known as suspensions. DFE guidance allows the principal to suspend a student, as a sanction where it is warranted, for one or more fixed periods not exceeding 45 school days in any one school year.

A parent (or carer) will be contacted as soon as is practicable following the decision to suspend or exclude. In most instances, this will be by telephone. An accompanying text message may be sent. A letter will be sent by post, providing details of the suspension and its duration. Where parents reside at different addresses, a copy of the letter will be sent to both addresses. Each parent has a right to make representations to the Academy Council and the Local Authority as directed in the letter.

During a period of suspension, the student must not be present in a public place during school hours unless there is a good reason. It is the responsibility of the parent (or carer) to provide daytime care and supervision for their child. If a student is seen in a public place, then the Academy may issue a fixed penalty notice or prosecute the parent (or carer), up to a sum of £60 per parent per day.

The Academy will take reasonable steps to set and mark work for students during the first five days of suspension. Alternative provision will be arranged from the 6th day at a local school or Local Authority approved AP.

A reintegration meeting will be held following the expiry of the suspension, and this may involve a member of the Senior Leadership Team, the Head of Year, the Behaviour Manager, Behaviour Mentors and/or any other staff as appropriate. This may take place as part of the restorative work in Step Out. Following suspensions which are longer than one day, parents and carers will be required to attend a reintegration meeting in person.

If the suspension is greater than five days or an accumulation of suspensions exceed five days, an Academy Council Meeting or Pupil Support Meeting may be called.

Time in the Academy's Step Out facility may follow a suspension. There will be a restorative conversation, and this will be used as part of the reintegration process. This will be a minimum of 0.5 days. A suspension does not remove or erase the sanction of Step Out and an additional 0.5 day for restorative work may be applicable.

The principal may withdraw a suspension that has not been reviewed by the Academy Council.

The Academy Council have established arrangements to review suspensions which would lead to a student being excluded for over five days but not over fifteen days in a school term, where a parent has expressed a wish to make representations.

The Academy Council have established arrangements to review promptly all permanent exclusions from the Academy and all suspensions that would lead to a student being excluded for over 15 days in a school term or missing a public examination.

#### 4. Permanent Exclusion

The decision to permanently exclude a student should only be taken:

- In response to a serious breach, or persistent breaches of the Academy Behaviour Policy.
- Where allowing the student to remain in the Academy would seriously harm the education or welfare of the student or others.

It is likely that the decision to permanently exclude would arise from one of two circumstances.

The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This could include:

- persistent and defiant misbehaviour or disruption including bullying of any kind, including cyber, prejudice and discrimination-based bullying.
- repeated possession and/or use of an illegal drug or drug paraphernalia on Academy premises.
- repeated or serious misuse/damage of the Academy computers by hacking or other activities that compromise the integrity of the computer network.
- repeated verbal abuse of staff.

This is not an exhaustive list and there may be other repeated disciplinary issues where the principal makes the judgement that permanent exclusion is the most appropriate sanctions.

The second, is following an individual incident assessed by the principal as being of such a serious nature that a permanent exclusion is proportionate to the degree of harm caused. These might include:

- serious actual or threatened violence against another student or a member of staff.
- sexual abuse or assault.
- possession or supplying an illegal drug.
- carrying, threatening to use or actual use of an offensive weapon.

- making a malicious serious false allegation.
- arson or threats of arson, including setting of fires anywhere on the Academy site.
- theft and damage to school property.
- breaking into and/or entering the school site without permission.

This is not an exhaustive list and there may be other individual (or 'one off') disciplinary issues where the principal makes the judgement that permanent exclusion is the most appropriate sanction.

Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him." Airedale Academy has determined that, in addition to legislative guidance, any knife, irrespective of length, constitutes an offensive weapon and should not be brought into the Academy. In addition, axes, BB guns, air guns, GATT guns, catapults, slings, laser pens etc., will also be deemed to be offensive weapons. Other types of offensive weapons will include lengths of pipe, bats, other blunt instruments, or items judged by the principal to be carried with the intention to inflict injury on another individual – this would include blades removed from pencil sharpeners. In the case of a student found in possession of an offensive weapon, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion.

The Academy will consider police involvement for any of the above offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the Academy community. The principal will make the judgement where it is appropriate to permanently exclude a child for a first or 'one-off' offence.

## 5. Phased Reintegration Timetable

In exceptional circumstances there may be occasions where it is in the best interests of the pupil for a temporarily reduced or part-time timetable to be put in place to meet their individual needs:

- as part of their reintegration approach for pupils who have not attended school for a period due to illness, disability, or mental health issues (or specific family circumstances)
- where there is potential risk to staff or students following a period of suspension
- as a short term planned intervention of managing students at risk of exclusion to provide support and/or respite for the student
- as a strategy to encourage the return school refusers

Where part-time/reduced timetables are put in place it is expected that school leaders will follow best practice to ensure that the pupil concerned is safe, is receiving the support they require and is able to return to full time education as quickly as possible.

## 6. Provision of Education for Students Excluded for a Period Exceeding Five Days

Airedale Academy recognises the need to keep suspensions short wherever possible. It is therefore anticipated that suspensions would not exceed five days. If suspension of over five days is required, then Alternative Provision or placement in the inclusion unit at another mainstream school will be used as a method of education from the sixth day of exclusion until a decision is made on the student's future at Airedale Academy.

## 7. Searching and Confiscation

Please refer to the DfE guidance 'Screening, Searching and Confiscation. Advice for head teachers, staff, and governing bodies' January 2016.

In addition to the practice identified in the DfE guidance, Airedale Academy also bans the following items and as a result can search students for them under the Education Act 1966:

- a. Any item brought into the Academy with the intention of the item being sold or passed on to other students which, in the principal's opinion, will cause disruption to the Academy or be detrimental to Academy practice.
  - b. Academy staff can seize any prohibited item found because of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.
  - c. Staff should hand the confiscated item to the relevant member of support staff (student reception etc) as soon as possible and complete the necessary information to identify the item, the date it was confiscated, the name of the student and the member of staff's name. Staff must not give the confiscated item to another student to hand in and must not leave the item in an unsecure area at any time.
  - d. Any item which staff consider to be dangerous or criminal (e.g., drugs) must be brought to the attention of a senior member of staff immediately.
  - e. Items confiscated by the Academy and deemed to not meet academy expectations and meet policy guidelines will be disposed of, e.g., cigarettes, alcohol, energy drinks, E-cigarettes. (This list is not exhaustive.)
  - f. The Academy's general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a student's property as a disciplinary penalty, where reasonable to do so.
  - g. The principal will use their discretion to confiscate, retain and/or destroy any item found because of a search.
  - h. Energy drinks can be seized and disposed of by members of staff.
  - i. Where alcohol has been confiscated, the Academy will dispose of it as deemed appropriate (which can include destruction)
  - j. Where the Academy finds controlled drugs, these must be delivered to the police as soon as possible but may be disposed of if the principal thinks there a good reason is to do so.
  - k. Where the Academy finds other substances which are not believed to be controlled drugs, these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs. Where staff suspect a substance may be controlled, they should treat them as controlled drugs as outlined above.
  - l. Where they find stolen items, these should be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the principal thinks that there is a good reason to do so.
  - m. Where a member of staff finds tobacco, e-cigarette paraphernalia or cigarette papers they will dispose of them as they think appropriate, but this should not include returning them to the student.
  - n. Fireworks found because of a search may be disposed of but must not be returned to the student.
  - o. If a member of staff finds a pornographic image, they will inform the DSL as soon as possible. The DSL will act in accordance with the academy safeguarding policy in proceeding with this concern. (i.e., it is extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practicable. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the police or to retain the image whilst the Academy carries out its own investigation.
  - p. Where an article that has been (or could be) used to commit an offence or to cause personal injury or damage to property is found, it may be delivered to the police, returned to the owner, retained, or disposed of.
  - q. Where a member of staff finds an item which is banned under the Academy rules, they should consider all relevant circumstances and use their professional judgement to retain it, pass it on to another appropriate colleague or dispose of it.
  - r. Any weapons or items which are evidence of a serious offence must be passed to the police as soon as possible or retained while the Academy carries out its own investigation.
8. General factors the Academy considers before deciding to suspend or exclude.

Exclusion and suspension will not be imposed instantly unless there is an immediate threat to the safety of others in the Academy, or the student concerned. Before deciding whether to exclude a student permanently or suspend, the principal will:

- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations. Considering the Behaviour, Equalities and Health & Safety Policies.
- Allow the student to give her/his version of events.
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.

The principal may choose to suspend if s/he is satisfied that on the balance of probabilities that the circumstance warrants it, that the student did what he or she is alleged to have done, and that there are no mitigating factors which would suggest it would be appropriate to issue a lesser sanction.

In reaching a decision, the principal will always look at each case on its own merits.

In considering whether suspension or exclusion is the most appropriate sanction, the principal will consider:

- The gravity of the incident, or series of incidents, and whether it constitutes a breach of the Academy's Behaviour Policy.
- The effect the student remaining in the Academy would have on the education and welfare of other students and staff that.

In line with its statutory duty these same two tests of appropriateness will form the basis of the deliberations of the Governors' Disciplinary Panel, when it meets to consider the principal's decision to suspend and exclude. This Panel will require the principal to explain the reasons for the decision and will look at appropriate evidence, such as the student's Academy record, witness statements and the strategies used by the Academy to support the student prior to suspension and exclusion.

## 9. Alternatives to Exclusion

Alternative strategies to exclusion are included in the Behaviour Policy. The Academy works closely with the Wakefield Local Authority, through Fair Access Panel and Inclusion Panel meetings, with other secondary schools, to undertake managed moves where such a course of action would be of benefit both to the student and the two schools concerned. However, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school or Academy.

## 10. Lunchtime Isolation

Students whose behaviour at lunchtime is disruptive may be isolated for the entire duration of the lunchtime period on a lunch detention. Room temperature and cold lunches only may be provided.

## 11. Behaviour Outside the Academy

Students outside the Academy on Academy "business" (for example Academy trips and journeys, sports fixtures, or a work experience placement) are still subject to the Academy's Behaviour Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in the Academy.

For behaviour outside the Academy but not on Academy business, this policy will still have effect if there is a clear link between the behaviour and maintaining good behaviour and discipline among the student body as a whole. If students' behaviour in the immediate vicinity of the Academy or on a journey to and

from the Academy is inappropriate and meets the school criteria for suspend or exclude, then the principal may decide that these sanctions are appropriate.

## 12. Drug Related Exclusions

In deciding on whether to sanction for a drug-related offence, the principal will have regard to the Academy's published policy on drugs and will also seek advice from other suitable professionals, where appropriate. The decision will depend on the precise circumstances of the case and the evidence available. In some cases, suspension will be more appropriate than permanent exclusion.

## 13. Returning from a suspension

Following suspension, the Academy will put in place a strategy to help the student reintegrate successfully into school life and full-time education. Where necessary, the Academy will work with third-party organisations to identify whether the student has any unmet special educational and/or health needs.

Once a student has returned from a suspension, the following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- Daily contact in school with a designated pastoral professional.
- Mentoring by a trusted adult or a local mentoring charity.
- Regular reviews with the student and parent/carers to praise progress being made.
- Raise and address any concerns at an early stage.
- Informing the student, parent/carers, and staff of potential external support.
- Modified timetables may be used as a tool to support a child, 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, parent (or carers), and other relevant parties.

The Academy will explain the reintegration strategy to the student in a reintegration meeting before or on the student's return to school. During the meeting the Academy will communicate to the student that they are getting a fresh start and that they are a valued member of the school community.

The student, parent (or carers), a member of senior staff, and any other relevant staff will be invited to attend the meeting. The meeting can proceed without the parent/carers if they cannot or do not attend. The Academy expects all returning students and their parent/carers to attend their reintegration meeting, but students who do not attend will not be prevented from returning to the classroom.

## 14. Links with other policies

The Suspension and Exclusion Policy is linked to:

- Behaviour Policy.
- SEND Policy and Information Report.