



The Shared Learning Trust

THE RUSHMERE
PARK ACADEMY

Suspension And Permanent Exclusion Policy

Policy Title:	Suspension And Permanent Exclusion Policy	Owner:	Jonathan Callender
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Suspension and Permanent Exclusion Policy

1. Scope

This policy applies to all staff and pupils of The Rushmere Park Academy.

2. Context

This policy deals with the policy and practice which informs the academies' use of exclusion. It is a shared commitment of all members of the academy community to achieve two important aims:

- To ensure the safety and well-being of all members of the Academy community, and to maintain an appropriate educational environment in which all can learn and succeed
- To reduce the need to use exclusion as a sanction
- This policy operates within the statutory framework as defined in The School Discipline (Pupil Exclusions and Reviews) (England) Regulations September 2012

3. Aims

The aims of this policy are to define the behaviours and incidents that may lead to suspension or exclusion and the procedures the Academy will follow in the event. We recognise that parents/carers and pupils have a vital role to play in supporting the standards of behaviour and safety expected by the Academy. The Academy's response to challenging and disruptive behaviour will be made in the context of the Behaviour Ethos and Ethics policy and will encompass a range of strategies, with suspension/exclusion as one option.

4. Definitions

Suspension, within this policy may be one of the following types:

- Internal Suspension (where a pupil is suspended from lessons within the home Academy)
- Fixed-Term Suspension (when a pupil is suspended from the Academy)
- Permanent Exclusion (where steps are taken to permanently remove the pupil from the Academy)

5. Statutory Position

When considering suspension, account will be taken of the current guidance from the DfE and the personal circumstances of the pupil. Only the Principal or, in their absence, a senior member acting with his or her authority, can suspend or permanently exclude a pupil from the Academy. A decision to exclude a pupil will be taken only:

- in response to serious breaches of the Academy's Behaviour Ethos and Ethics policy
- if allowing the pupil to remain in the Academy would seriously harm the education or welfare of the pupil or others in the Academy

The decision to suspend/permanently exclude a pupil is a matter of judgement for the Principal, who will consider the likely impact of the misconduct on the life of the Academy. The decision to exclude a pupil must be lawful, reasonable and fair. The Academy has a statutory duty not to discriminate against pupils based on protected characteristics, such as disability or race. The Academy will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

This may include behaviour on or off Academy premises, which is in breach of the standards of behaviour expected by the Academy.

The Academy recognises that disruptive behaviour can be an indication of unmet needs. Where there are concerns about a pupil's behaviour, we will try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent suspension. In this situation, the Academy will consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.

Under the law, the Principal, Local Governing Board and Independent Appeals Panel must have regard to the relevant DfE guidance when deciding:

- whether to suspend a pupil or (where applicable) to uphold a permanent exclusion
- the period of suspension
- (where applicable) whether to direct the Principal to reinstate an excluded pupil

6. Policy Detail

6.1 *Before reaching a decision to suspend or permanently exclude, the Principal will:*

- consider all the relevant facts and such evidence as may be available to support the allegations made, taking into account the Academy's Behaviour, Ethos and Ethics policy
- allow the pupil to give his or her version of events
- check whether the incident may have been provoked, for example by bullying, racial or sexual harassment

If the Principal is satisfied that, on the balance of probabilities, the pupil did what he or she is alleged to have done, suspension/permanent exclusion will be the outcome. Where necessary the Principal will consult others, being careful not to involve anyone who may have a role in any statutory review of their decision, for example members of the Pupil Disciplinary Exclusion Panel.

6.2 *Causes for suspension/exclusion, whether fixed term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of the Academy's Behaviour, Ethics and Ethos policy:*

- Actions which put the pupil or others in danger;
- Verbal abuse to staff and others;
- Verbal abuse to pupils;
- Physical abuse to/attack on staff;
- Physical abuse to/attack on pupils;
- Indecent behaviour;
- Damage to property;
- Possession and/or supply of illegal drugs;
- Possession of banned items or substances considered to present a danger or health risk to the Academy community;
- Behaviour outside of the Academy (e.g. gang crime) which subsequently impacts on Academy life;
- Threats of violence against another pupil or a member of staff;
- Sexual abuse or assault;
- Carrying/using an offensive weapon (or the use of any item as a weapon);
- Arson
- Unacceptable persistent behaviour which has previously been reported and for which Academy sanctions and other interventions have not been successful in modifying the pupil's behaviour

This is not an exhaustive list and there may be other situations where the Principal makes the judgment that exclusion is an appropriate sanction.

6.3 Suspension/Exclusion procedures

6.3.1 Internal Suspension

An Internal Suspension will be implemented for behaviour that is so serious that it warrants a pupil being removed from lessons, but not so serious as to warrant removal from the Academy. As stated above, all efforts will be made to keep the pupil in the Academy, so as to support his/her education and it will only be in the most severe circumstances (or a repeat of earlier offences) that will lead to Fixed-Term Suspension or Permanent Exclusions.

6.3.2 Fixed-term Suspension

In the case of fixed-term suspensions, the Principal may suspend a pupil for up to 45 days in any one academy year. Pupils on fixed term suspensions will be forbidden from attending the academy, or being in the vicinity of the academy for the term of their suspension.

Under current legislation, parents/carers are obliged to take responsibility for their child if s/he is suspended and ensure that they are not in a public place without good reason during academy hours within the first five academy days of any suspension. Where a parent/carer refuses to comply with the terms of suspension, the Academy may notify the Social Services Department and the police if, in the Principal's view, the pupil or any other person may be at risk as a result of a failure to meet the terms of the suspension.

6.3.3 Informing parents/carers/carers

The Academy will inform parents by phone call when the decision has been taken to 'Fixed-term

Suspend' a pupil - This will be followed, subsequently by a letter in which the terms of the suspension are set out, together with the time and date of the reintegration meeting (see below). Suspensions may not run for an indefinite period of time. Parents/Carers are also informed that they have a right to make representations to the Pupil Disciplinary Exclusion Panel if they wish to challenge the terms of the suspension.

6.3.4 Provision of learning materials during a period of suspension

The Principal will ensure an alternative education provision for all pupils on roll who are suspended for a period of 7 consecutive Academy days and which will set out:

- how the pupil's education will continue during the period of suspension/exclusion
- how the time might be used to address the pupil's problems
- the educational arrangements that will best help with the pupil's reintegration into the Academy at the end of the suspension.

6.3.5 Reintegration

The Academy requires parents/carers to attend a reintegration meeting where their son/daughter has had a fixed term suspension. Parent/carers are invited to attend the reintegration meeting. The meeting will establish a risk assessment of the pupil (where necessary) and identify the resources needed to provide the necessary support to the pupil on their return from suspension.

Where a pupil's behaviour at the reintegration meeting is unacceptable, this may result in an additional fixed term suspension.

7. Permanent Exclusions

The decision to exclude a pupil permanently is a serious one and will never be taken lightly. In doing so, we recognise that a permanent exclusion may have a serious impact upon a pupil's life chances. In addition, exclusion will not be sought, unless there is an immediate threat to the safety of others in the academy or the pupil concerned.

Permanent exclusions will normally be used only as a last resort when a range of other strategies have been exhausted. Please note that before a permanent exclusion is considered, a 'Managed Move' may be resorted to, if appropriate. In exceptional circumstances, the Principal might consider it appropriate to permanently exclude a pupil for a first or one-off offence. Such circumstances might include:

- where there has been serious actual or threatened violence against another pupil or member of staff
- sexual misconduct
- supplying an illegal substance (alcohol, tobacco, drug)
- carrying an offensive weapon (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.")

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.

In the case of a permanently excluded pupil, the Principal will plan for the pupil's continued education pending the Pupil Disciplinary Exclusion Panel meeting to consider the exclusion. If an appeal panel decides not to direct reinstatement, the pupil's name will be deleted from the Academy roll.

8. Exercise of discretion

In reaching a decision on suspension or permanent exclusion, the Principal will always look at each case on its own merits. It is for this reason that a points-based system, fixing a standard penalty for a particular action, is both unfair and inappropriate. In considering whether permanent exclusion is the most appropriate sanction, the Principal will consider:

- The seriousness of the incident, or series of incidents, and whether it constitutes a serious breach of the Behaviour, Ethos and Ethics policy
- The effect that the pupil remaining in the Academy would have on the education and welfare of other pupils and staff

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Pupil Disciplinary and Exclusion Panel when it meets to consider the Principal's decision to permanently exclude. This Panel will require the Principal to explain the reasons for the decision and will look at appropriate evidence, such as the pupil's record, witness statements and the strategies used by the academy to support the pupil prior to permanent exclusion.

The academy will inform parents immediately by phone call when the decision has been taken to seek 'Permanent Exclusion' for a pupil. This will be followed, subsequently by a letter in which the terms of the Exclusion are set out. Parents/Carers are also informed of their rights regarding an appeal of the terms of the exclusion (see below)

9. Appealing a Permanent Exclusion

Where parents dispute the decision of a Panel not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An independent review panel does not have the power to direct a Pupil Disciplinary and Exclusion Panel (PDEP) to reinstate an excluded pupil. However, where an independent review panel decides that the decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a PDEP to reconsider its decision. If the PDEP does not subsequently offer to reinstate a pupil, the panel will be expected to order that the academy makes an additional payment of £4,000. This payment will go to the pupil's local authority towards the costs of providing alternative provision.

10. Review of Exclusions

The Senior Leadership Team review all permanent exclusions from the Academy and all suspension that would lead to a pupil being excluded for over 15 days in a term or missing a public examination.

11. Other considerations

The Academy will implement its Suspension and Permanent Policy with due regard to the implications arising from the Special Educational Needs, and Disability and Equality Act 2010, the Race Relations (Amendment) Act 2008, the Human Rights Act 1998 and any other relevant legislation.

12. Drug related exclusions

In making a decision on whether or not to exclude for a drug-related offence, the decision will depend on the precise circumstances of the case and the evidence available. In some cases, suspensions will be more appropriate than permanent exclusion. The Principal will make a judgment.

13. Suspension/Exclusion and SEN Pupils

This policy applies to all pupils including those with identified SEN. The Academy will endeavour to avoid excluding pupils with SEN.

13.1 SEN pupils and Suspensions and Permanent Exclusions Policy

Whether or not the academy recognises that a pupil has special educational needs (SEN), all parents have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the academy acted reasonably in relation to its legal duties when excluding the pupil.

14. Suspension/Exclusion and Looked After Children (LAC)

The Academy will be particularly sensitive to LAC. In all cases the Virtual School for the relevant authority and Social Services will be involved as early as possible and the LAC Coordinator will be fully involved.

15. Staff Training

The Academy will ensure that the Behaviour, Ethics and Ethos Policy is a key element of all staff induction programmes and that appropriate refresh training is incorporated into annual staff development planning.

16. Monitoring, Evaluation and Review

The policy will be reviewed every two years to assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Academy. This policy should be considered in conjunction with the following associated documents, policies and procedures:

- Home Academy Agreement
- Behaviour, Ethics and Ethos Policy
- Anti-bullying Policy and procedures
- Attendance Policy
- Child Protection and Safeguarding Policy

17. Managed Move/Alternative Education Provision

A 'Managed Move' may be resorted to in order to reduce the risk of a permanent exclusion. It may be used as a result of the culmination of behaviour incidents, when interventions have been unsuccessful or, in exceptional circumstances, for a serious 'one off' incident. Managed moves will be discussed with the parents/carers and the local authority (admissions authority). Managed moves are allocated via the Pupil Placement Panel and are supported by the Alternative Provision Coordinator.

18. Behaviour outside the Academy

Pupil behaviour outside academy or when representing the Academy, for example a trip, travelling to and from the Academy, 'away' sports fixtures or a work experience placement is subject to the Academy's Behaviour, Ethics and Ethos Policy. Negative behaviour in these circumstances will be dealt with as if it had taken place in the Academy. Serious infringements of the Suspension and Permanent Exclusions Policy or the Academy's Behaviour, Ethics and Ethos Policy that occur 'outside of' the Academy may lead to a fixed term suspension or permanent exclusion.

19. Roles and Responsibilities

19.1 Board of Trustees are responsible for ensuring that the Academy complies with legislation, and that this plan and any related procedures or action plans are implemented.

19.2 The Principal is responsible for implementing the policy, for ensuring that all staff are aware of their responsibilities, for providing them with appropriate training and support, and for taking appropriate action.

19.3 Day to day responsibility for co-ordinating and implementing this policy is with the Academy Principal.

19.4 All staff/others are expected to adhere to this policy as required by the Academy Code of Conduct.

20. Monitoring and Review

20.1 This policy will be reviewed every year.

20.2 Its outcomes will be assessed by monitoring of the Academy Development Plan (ADP).

20.3 Its impact and effectiveness will be judged in terms of the positive benefits and any negative consequences arising from its implementation.

21. Dissemination

21.1 All policies that need to be conveyed to pupils/learners, staff and families will be available on the Academy's website.

21.2 Staff will be informed about policies during induction and through on-going in-service training.