

## Stewards Academy

Parnall Road

Harlow

Essex

CM18 7NQ



POLICY NAME	Exclusions and Suspensions Policy			POLICY NO.	
EFFECTIVE DATE	27 <sup>th</sup> Sept 2023	DATE OF LAST REVISION	Sept 23	VERSION NO.	3
REVIEW FREQUENCY	Annual				
ADMINISTRATOR RESPONSIBLE	Headteacher		CONTACT INFORMATION	dsouter@stewardsacademy.org	
APPLIES TO apply group names to define applicable areas of staff					
GROUP 1	Governors	GROUP 2	All staff	GROUP 3	
GROUP 4		GROUP 5		GROUP 6	

VERSION HISTORY				
VERSION	APPROVED BY	REVISION DATE	DESCRIPTION OF CHANGE	AUTHOR
1	Pupil and Curriculum	October 2021	Created and approved	Headteacher
2	Pupil and Curriculum	9 <sup>th</sup> June 2022	Reviewed and approved	Headteacher
3	Trust Board	17/5/23	Reviewed and approved	Headteacher
4	Trust Board	23 <sup>rd</sup> Sept 2023	Reviewed and approved	Headteacher

## Introduction

Stewards Academy has the highest concern for the safety and wellbeing of the whole school community, and we work hard to ensure that our ethos and environment supports student learning and success. Exclusion or suspension are sanctions used only as a last resort, and we aim to reduce the need for the use of these as far as is possible. This policy outlines the school's use of suspensions and exclusions and is supported by, and should be read in conjunction with, our **school behaviour policy**.

## 1. Power to suspend and exclude

The headteacher is the only member of staff within the school who can exclude or suspend a pupil. In the absence of the headteacher, the deputy head or acting headteacher can make this decision.

The governing board can review the headteacher's decision and consider representations from parents of excluded pupils. They may direct the reinstatement of an excluded pupil, or uphold an exclusion after a review, but they cannot exclude or suspend a pupil themselves. For more information on the governing board's role in exclusions and suspensions, see section 5.

In making decisions about suspensions or exclusions, the headteacher and governing board must have regard to the statutory guidance issued by the Department for Education on suspensions and exclusions.

## 2. Grounds for exclusion

Any exclusion or suspension will flow from a breach or breaches of the behaviour policy. In accordance with DfE guidance on suspensions and exclusions, a permanent exclusion may only be imposed in response to a serious breach or persistent breaches of the behaviour policy and where allowing the pupil to remain in school would seriously harm the education and/or welfare of the pupil or others in the school community.

In line with the school's behaviour policy, the following actions are examples of unacceptable behaviour which may result in permanent exclusion or suspension:

- verbal abuse to staff and others
- verbal abuse to pupils
- physical abuse to/attack on staff
- physical abuse to/attack on pupils
- any form of bullying (to the extent not covered above)
- indecent behaviour
- damage to property
- misuse of illegal drugs, including possessing, using, or supplying illegal drugs
- misuse of other substances including "legal highs", including possessing, using, or supplying legal highs
- theft
- serious actual or threatened violence against another pupil or a member of staff
- sexual abuse or assault
- carrying an offensive weapon
- arson
- unacceptable behaviour which has previously been reported, and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.
- malicious allegations against staff
- racist, sexist, homophobic or other forms of discriminatory behaviour
- persistent truancy and/or lateness
- possession of items prohibited under the school rules as set out in section 4.
- Inappropriate behaviour outside school buildings out of school hours
- Inappropriate behaviour outside of school that holds the school in disrepute.

### 3. Types of exclusion

#### 3.1 Permanent Exclusion

Permanent exclusion is an extremely serious sanction, and a step taken by the school only as a last resort. In most cases, permanent exclusion will be used only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are, however, some situations in which permanent exclusion on the first offence is the only option. These may include:

- serious, actual or threatened violence against another pupil or a member of staff
- sexual abuse or assault
- supplying, possessing or using drugs
- alcohol related activities
- carrying an offensive weapon
- arson
- persistent bullying
- criminalised behaviour

These behaviours may have been conducted outside of the school premises or online in line with the academy's behaviour policy.

The list is not exhaustive but provides an indication of the severity of the offence which may lead to permanent exclusion.

It may be necessary for the school to involve the police if the offence warrants it. All permanent exclusions will be reviewed by the governing board to ensure that the headteacher's decision was lawful, reasonable and fair. The headteacher can withdraw an exclusion that has not yet been reviewed by the governing board.

#### 3.2 Suspension

The length of a suspension will be set out by the school at the start of the suspension period. If a pupil is suspended for more than 45 days in one school year, they will be permanently excluded.

A suspension may result from a serious breach or persistent breaches of the school's behaviour policy. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction than other sanctions available to the school under the behaviour policy, but does not warrant permanent exclusion.

A permanent exclusion may follow on from a fixed term suspension by the headteacher if the circumstances warrant it. This will generally be in cases where further evidence comes to light during the school's investigation. In this case, parents or carers will be notified in writing of the decision to permanently exclude the pupil, together with the reasons for doing so. During suspensions and permanent exclusions, daytime supervision of the child is the responsibility of their parent or guardian for the first 5 days of the suspension or exclusion period.

An excluded pupil has no automatic right to take a public examination or National Curriculum tests on the school's premises. The governing board can decide whether or not to allow the pupil to sit the tests, and this will depend on the seriousness of the reason for exclusion.

#### 3.3 Lunchtime Suspension

This is a type of suspension and will not be used as a long-term solution to a behaviour problem. A lunchtime suspension counts as half a day when calculating total number of days of suspension.

The school may decide to exclude a pupil from the school premises during the break at lunchtime if their behaviour during this time is very disruptive or dangerous to other pupils and breaches the behaviour policy. Arrangements will be made for parents or carers to collect the excluded pupil and supervise them if their age or vulnerability warrants it. The school will not normally

invoke a lunchtime suspension for any period longer than a week. If the problem persists, alternative strategies will be looked at to deal with managing the pupil's behaviour.

Pupils who are entitled to free school meals will still be given this provision over their period of lunchtime suspension.

## **4. Making the decision to exclude**

Exclusion or suspension of any sort, for any period of time, is taken very seriously by the school, and the decision to exclude is not taken lightly. Various alternative strategies to manage behaviour will usually be tried before suspension or exclusion, as this sanction is only used as a last resort unless the behaviour exhibited equates to a serious breach of the behaviour policy.

The school will give particular consideration to the fair treatment of pupils from groups who are vulnerable to suspension or exclusion. The school will review the support provided to address the needs of these pupils and consider whether extra support could be put in place to reduce their risk of suspension or exclusion, prior to taking a decision to suspend or exclude.

If it is decided that suspension or exclusion is necessary, the parents or carers of the pupil will be notified, and the circumstances surrounding the suspension or exclusion will be formally recorded.

The headteacher may cancel any suspension or seclusion that has already begun, but this can only be before a panel has met to consider the decision.

### **4.2 Alternative behaviour management strategies**

The behaviour of pupils is monitored daily and when a pattern of repeated misbehaviour is identified the necessary support will be put in place.

This may be one or more of the following:

- Light touch support from the tutor, PSM or Learning Mentor.
- Behaviour or communication plans
- Restorative meetings or conferences and student contracts
- Bespoke programme of weekly sessions to address a particular issue – delivered in The Bridge
- Support from Place2Be
- Use of outside agencies
- Bespoke timetable of intervention and support (full or part-time)

All support will be regularly reviewed at regular meetings held at a senior level and amended appropriately where necessary.

### **Internal Seclusion**

If a pupil needs to be removed from a lesson that is in progress, or a social situation, for disruptive behaviour or to calm down, it may be necessary to place that pupil elsewhere in the school. This may occur over break times and will be used in circumstances where it is not necessary to remove the pupil from the school site, but separation is needed. They will be placed in another class or somewhere where appropriate support and supervision can be provided.

Pupils may also be set an internal suspension for half a day or one full day. Pupils are expected to work independently with work provided.

### **Mediation**

If there is a conflict between two or more pupils, a member of staff will sit down with those involved and attempt to mediate the situation through discussion. This strategy may also be used if there is a conflict between a teacher and a pupil.

## **Restorative justice**

This strategy is dependent on the cooperation of all parties involved in an incident or situation, and will usually be used where one person has done something to upset or harm another. It can be helpful for the offender to redress the harm that they have done and hopefully learn from their mistakes. It can also provide closure for those who have been harmed.

## **Off-site Direction**

A pupil may be directed off-site to attend alternative provision to improve their behaviour for an agreed period of time. They will remain dual-registered with the school. The Governing Board should keep the placement under review, considering the placement at agreed intervals.

## **Managed Move**

It may be in the best interests of a pupil to have a chance of a fresh start by moving to another school. This will only occur in consent with parents, the headteacher, and the school's governing body. The new school will be asked by the headteacher to accept the pupil.

Parents will not be put under any pressure to agree to a managed move, especially in fear of a permanent exclusion, and the school will do everything it can to ensure that the transition is as smooth as possible.

If a managed move is agreed, a plan will be put in place, which sets out the duration of the managed move (typically between 6-12 weeks) and what support will be put in place for the pupil. The pupil will be dual registered during the period of the managed move. If the managed move is successful, the pupil will come off the roll of the school and remain on the roll of the new school. If the managed move is not successful, the pupil will return to the school.

## **4.3 Looked-after children and young people.**

*Stewards Academy* understands that looked-after children and young people may be more susceptible to having behavioural problems due to additional problems they may face at home. We work in conjunction with all relevant childcare authorities to support looked-after children and try every possible means of keeping them in school. Before any decision to exclude is made, the school will (as appropriate):

- consult the LA about alternative options to support a looked-after pupil
- consult the LA about what alternative provision will be available if the pupil is excluded
- involve the child's social worker as early as possible to help the school avoid exclusion or suspension
- work with the foster carer to improve the pupil's behaviour.

## **4.4 Pupils with special educational needs or a disability (SEND)**

### **Pupils with SEN**

Our school's full SEN provision is outlined in our **SEND Policy and the SEN Information Statement**. We work hard to include students who have behavioural difficulties or difficulties with elements of social interaction as part of their SEN. The school will try every practical alternative to suspension or exclusion, but there may be some cases where it cannot be avoided.

If a permanent exclusion is made, the headteacher will use the time between the initial decision and the governing board's review to see whether a change of circumstances might enable the school to withdraw the exclusion. It may be the case that more support is needed for the pupil, or that it is in the child's best interest that their EHC Plan be changed to name a different school, in which case the school will work with the LA and the child's parents or carers to make the transition as smooth as possible.

### **Pupils with a disability**

If a pupil with a disability is under consideration for suspension or exclusion, the headteacher will ensure that all other possible options have been tried. To justify excluding a pupil with a disability for a reason related to their disability, there must be material and substantial reason. The erosion of order and discipline in the school may be material and substantial justification, but only if reasonable adjustments have been made for the pupil's disability. You can find more information on reasonable adjustments in our **Single Equality Policy**.

## 4.5 Ethnicity

*Stewards Academy* does not discriminate against any person and our school ethos is one of inclusion, equality, and diversity. If any person feels that they have been discriminated against due to their ethnicity they may make a formal complaint to the school following the process outlined in our **school complaints procedure**. Where the issue arises in relation to a suspension or exclusion, the school will deal with any concerns raised by parents through the consideration of parental representations within the exclusion framework.

## 4.6 Investigating the circumstances

Disruptive behaviour or actions that may warrant discipline will always be investigated before the decision to exclude or suspend is made.

Before the decision to suspend or exclude is made, the headteacher will:

- ensure that the school has undertaken a thorough investigation
- consider all the evidence available
- where practical, give the pupil the opportunity to give his or her version of events.
- take into account the school's behaviour policy and all other relevant school policies including the single equality plan
- find out whether the behaviour may have been provoked, for example in the case of racial or sexual harassment, or bullying
- consult other people as necessary (but not anyone on the governing board or management committee who may later have a role in reviewing the decision)
- keep a written record of discussions, interviews and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible.

## 4.7 Confidentiality

The school will deal with all cases of suspension or exclusion and the surrounding circumstances confidentially. Information will be shared only with those who need to know it, and a breach of this may result in disciplinary action.

## 4.8 Recording and notifying the decision to exclude or suspend.

All exclusions and suspensions will be formally recorded, and the parents or carers of the pupil will be contacted immediately once the decision has been made to exclude, specifying why this action has been taken and the length of time that it will last. The decision will be confirmed in writing. The headteacher will notify the governing body, and LA without delay of the decision to exclude or suspend. If the pupil has a social worker, they will also be notified. In the case of a looked after child, the Virtual School Headteacher will be notified.

## 5. Reviewing a suspension or exclusion

The Governing Board will review suspensions of any length on request by parents who feel that the sanction is unjustified. A meeting will not always be required. They will automatically review all cases of permanent exclusion, as well as any suspensions that would lead to a pupil being excluded for more than 15 days of a school term or missing a public exam. The governing board will look at the evidence and the records leading up to the exclusion and decide whether, in light of the evidence and his/her legal duties, the headteacher has made a lawful, reasonable and fair decision. The Governing Board will ensure that they review data to consider the level of pupil moves and the characteristics of pupils who have been permanently excluded to ensure the sanction is only used, when necessary, as a last resort.

The review hearing will be minuted by the clerk. Parents who want a review of the exclusion or suspension can contact the governing body. Subject to the type and length of the exclusion or suspension imposed by the headteacher, parents will be invited to a review meeting and are entitled to bring a friend or legal representative with them. Parents are also asked to provide the governing board with any written statements or evidence that they might have relating to the exclusion or suspension prior to the review meeting so that these can be circulated. There will be an opportunity during the meeting for parents to ask questions of the other parties.

The pupil concerned is encouraged to attend if they are able to fully understand the proceedings. *Stewards Academy* believes that pupils should be encouraged to take part in the review process and feel that they are listened to. This will hopefully increase the chance of a positive behaviour pattern emerging in the future.

While face-to-face meetings are encouraged, the parent may request that they join the meeting remotely.

The governing body can be contacted using the following email: [dsouter@stewardsacademy.org](mailto:dsouter@stewardsacademy.org).

## 5.2 Notification of the governing board decision

Parents will be notified of the outcome of the governing board review meeting in writing. This letter will also outline how parents can request a review by the independent review panel if they are unhappy with the outcome of the governing board's review. The outcome of the governing board meeting will be one of the following.

- **Upholding the exclusion or suspension**

If the governing board finds that the exclusion or suspension decision was lawful, reasonable and fair, they will uphold the decision to exclude. In this case, a letter will be sent to the parent or carer of the child outlining:

- the decision
- the reason for the decision
- the parent's right to request an independent review panel
- the name and contact details of the person to whom to send the request
- the date by which the request and reasons for it should be given
- that the notice of appeal must set out the reasons for the request
- the right to a SEN expert to attend the independent review panel
- the right to have a representative at the independent review panel at the parents' own expense
- that allegations of disability discrimination may also be pursued to the First Tier Tribunal (SEND Tribunal)
- that a claim to the county court can be made for other forms of discrimination.

- **Reinstating the pupil**

If the governing board decides that the decision to exclude was not lawful, reasonable or fair in light of the evidence and the duties of the headteacher, the governing board must reinstate the pupil immediately or by a given date. If the latter option is chosen support will be given to ensure that the pupil is easily reintegrated into the school. This will include a reintegration interview with the headteacher and parent or carer on school grounds, during which a Behaviour or Communication Plan will be drawn up.

A copy of the letter detailing the outcome will be put in the student's academic records along with any relevant papers. The governing board may also decide to arrange for an educational provision offsite to improve the child's behaviour, such as an anger management course.

## 6. During an exclusion or suspension

Although the headteacher has made the decision to exclude a pupil, we maintain responsibility for the education of that child and will do everything that we can to minimise the disruption to their education.

For the first five days of any type of exclusion/suspension, the school will set and mark work that the child should complete at home under parental supervision.

From the sixth day onwards, for a suspension the school will arrange for alternative full-time educational provision. If the exclusion is permanent, the LA will arrange for this provision having assessed the child's needs. Alternative provision might be arranged at:

- another school in the area
- a shared joint facility
- a pupil referral unit
- a private provider
- a local FE college.

If the child has an EHC Plan, the alternative provision will meet those needs.

**Signed by**

\_\_\_\_\_ **Chair of governors**

**Date:** .....

\_\_\_\_\_ **Headteacher**

**Date:** .....

**This policy will be reviewed annually**