



The John Fisher School

Suspension & Permanent Exclusion Policy

Responsible: Governors' SLAW Committee

Next Review Date: September 2023

Rationale

This policy deals with the policy and practice which informs the School's use of suspension and permanent exclusion. It is underpinned by the shared commitment of all members of the School community to achieve two important aims:

- 1) The first is to ensure the safety and well-being of all members of the School community, and to maintain an appropriate educational environment in which all can learn and succeed;
- 2) The second is to realise the aim of reducing the need to use suspension or exclusion as a sanction.

What legislation does this guidance refer to?

- Section 51A of the Education Act 2002, as inserted by the Education Act 2011
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012, Updated Guidance from September 2017 and Updated Guidance from September 2022
- Sections 100 to 108 of the Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Students) (England)

1 Introduction

The decision to exclude a student will be taken in the following circumstances:-

- (a) In response to a serious breach of the School's Student Behaviour Policy;
- (b) If allowing the student to remain in School would seriously harm the education or welfare of the student or others in the School.

Suspensions and Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Headteacher, the person who is acting in that role).

A fixed term suspension or permanent exclusion may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the School's Behaviour Policy:

- Actions which put the student or others in danger.
- Verbal abuse to staff and others
- Verbal abuse to students
- Physical abuse to/attack on staff
- Physical abuse to/attack on students
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- 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 student's behaviour.

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

2 Suspension procedure

- The vast majority of suspensions are of a fixed term nature and are of short duration (usually between one and four days).
- The DfE regulations allow the Headteacher to suspend a student for one or more fixed periods not exceeding 45 school days in any one school year.
 - The Governing Body has established arrangements to review promptly all permanent exclusions from the School and all fixed term exclusions that would lead to a student being excluded for over 15 days in a school term or missing a public examination.
 - The Governing Body has established arrangements to review fixed term suspensions which would lead to a student being suspended for over five days but not over 15 days in a school term where a parent/carer has expressed a wish to make representations.
 - Following suspension parents/carers are contacted immediately. A meeting will be called or a letter sent by post giving details of the suspension and the date the exclusion ends. Parents/carers have a right to make representations if a suspension is for five days or more.
 - It is School practice to place the student on report usually for one week to monitor behaviour and work. If the fixed term suspension is greater than five days or an accumulation of exclusions exceed five days, a Pastoral Support Plan will be drawn up. This needs to be agreed with the School, student and parents/carers.
- Suspensions are used to the severity of the incidents and in such case the suspension will result in the student being required to remain at home.
 - During the course of a fixed term suspension where the student is to be at home, parents/carers are advised that the student is not allowed on the School premises, and that daytime supervision is their responsibility, as parent/carer. A fixed-term suspension will not be converted into a permanent one. Instead, if a longer suspension is required, a new fixed-term suspension will have to begin immediately after the first one ends.

3 Re-admittance

Following all fixed-term suspensions a re-admittance meeting will be held prior to the student returning to lessons. The meeting will include the student, his parent(s) or carer(s) and a member of the Senior Leadership Team, and where appropriate other members of staff. The purpose of the re-admittance meeting is to address any concerns and agree any further interventions to prevent reoccurrence – this may include referral to outside agencies.

4 Permanent Exclusion

The decision to exclude a student permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.

1. 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 would include persistent and defiant misbehaviour including bullying (which would include:

racist or homophobic bullying) or repeated possession and or use of an illegal drug on School premises.

2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a student for a first or 'one-off' offence. These might include:

- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon *.
- Arson.

* *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."*

NB: The School 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 well-being of the School.

5 General factors the School considers before making a decision to suspend:

The Headteacher broadly considers the following procedure.

- Suspension will not be imposed instantly unless there is an immediate threat to the safety of others in the School or the student concerned. Before deciding whether to suspend a student or permanently exclude the Headteacher will:
- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations taking into account the School's Behaviour, Equal Opportunities and Race Equality Policies.
- Allow the student to give his version of events.
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the Headteacher is satisfied that on the balance of probabilities the student did what he is alleged to have done, suspension will be the outcome.

6 Exercise of discretion

In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider *a)* the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the School's Behaviour Policy and *b)* the effect that the student remaining in the School would have on the education and welfare of other students and staff. Nonetheless, 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 and possibly involve the Police.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governing Body when it meets to consider the Headteacher's decision to exclude. This Committee will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such

as the student's School record, witness statements and the strategies used by the School to support the student prior to exclusion. Notices of exclusions can be given electronically if parents/carers have given written agreement for notices to be sent in this way.

7 Alternatives to Exclusion

Alternative strategies to exclusion are always used if possible. However, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

Were a fixed term suspension is more than five days the school will put into place, in liaison with other agencies, provision to ensure that the students receives the statutory requirement of education. This may include mandatory attendance at another local school, student referral unit or other approved educational provider for the remainder of duration of the exclusion.

8 Lunchtime seclusion

Students whose behaviour at lunchtime is disruptive may be secluded.

9 Behaviour Outside School

Students' behaviour outside School on school "business" for example school trips and journeys, travelling to and from school, away school sports fixtures or a work experience placement is subject to the School Behaviour Policy. Bad behaviour in these circumstances will be dealt with as if it had taken place in School. For behaviour outside School but not on school business this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole. If students' behaviour in the immediate vicinity of the School or on a journey to and from school is poor and meets the School criteria for suspension then the Headteacher may decide to suspend.

10 Drug and substance misuse Related Exclusions

In making a decision on whether or not to exclude for a drug-related offence the Headteacher Teacher will have regard to the School's published policy on Drugs Education & Substance Abuse and will also seek advice from the LA's Drugs Education Advisor. The decision will depend on the precise circumstances of the case and the evidence available. In some cases fixed term exclusion will be more appropriate than permanent exclusion. The Headteacher will make a judgment set against the criteria in the school's Substance Misuse policy.