

Suspensions Policy

Rationale

It is underpinned by the shared commitment of all members of the Provision community to achieve two essential aims:

1. The first is to ensure the safety and well-being of all members of the Provision 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 as a sanction.

Introduction

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

1. In response to a severe breach of the Provision's Wellbeing Policy.
2. Allowing the student to remain in the Provision would seriously harm the education or welfare of the student or others.

Suspension is an extreme sanction and is only administered by the Headteacher.

Suspension, 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 Provision's Wellbeing Policy:

- Verbal abuse to Staff and others
- Verbal abuse of 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 has previously been reported, and provision sanctions and other interventions have not successfully modified the student's behaviour.

This is not an exhaustive list, and there may be other situations in which the Headteachers judge that suspension is an appropriate sanction.

Suspension procedure

Most suspensions are fixed-term and short (usually between one and three days).

The DfE regulations allow the Headteacher to exclude a student for one or more fixed

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periods not exceeding 45 provision days in any one school year.

The Headteacher has established arrangements to promptly review all permanent suspensions from the Provision and all fixed-term suspensions that would lead to a student being excluded for over 15 days in a provision term or missing a public examination.

The Headteacher has established arrangements to review fixed-term suspensions. This would lead to a student being excluded for over five days but not over 15 days in a provision term where a parent has expressed a wish to make representations.

Following the suspension, parents are contacted immediately where possible. A letter giving details of the suspension and the date it ends will be sent by post. Parents have a right to make representations to the Headteacher as directed in the letter.

A meeting is held to ensure that set work is given and completed. Also, daily contact is made to ensure that the student is safe and well. When this is not the case, please refer to the safeguarding policy. A return to Provision meeting will be held following the expiry of the fixed-term suspension, and this will involve a member of the Senior Management Team and other staff where appropriate.

During a fixed-term suspension, when the student is to be at home, parents are advised that the student is not allowed on the Provision premises and that daytime supervision is their responsibility as parents/guardians.

Permanent Suspension

The decision to exclude a student permanently is a serious one. There are two main situations in which permanent suspension may be considered.

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following various other strategies, which have been used without success. It acknowledges that all available methods have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour, including bullying (which would consist of racist or homophobic bullying) or repeated possession and use of an illegal drug on Provision premises.
2. The second is where there are exceptional circumstances. Implementing other strategies is inappropriate, and it could be relevant 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.

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The Provision will consider police involvement for any of the above offences.

- 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.”
- These instances are not exhaustive but indicate the severity of such offences and that such behaviour seriously affects the discipline and well-being of the Provision.
- General factors the Provision considers before deciding to exclude
- Suspension will not be imposed instantly unless there is an immediate threat to the safety of others in the Provision or the student concerned. Before deciding whether to exclude a student either permanently or for a fixed period, the Headteacher will:
 - Ensure appropriate investigations have been carried out.
 - Consider all the evidence available to support the allegations, taking into account the Wellbeing Policy, Equal Opportunity Policy, and Race Equality Policy.
 - Allow the student to give their version of events.
 - Check whether the incident may have been provoked, for example, by bullying or racial or sexual harassment.
 - If the Headteacher is satisfied that, on the balance of probabilities, the student did what they are alleged to have done, suspension will be the outcome.

Exercise of discretion

When deciding, the headteacher always considers each case on its own merits. Therefore, a tariff system that fixes a standard penalty for a particular action is both unfair and inappropriate.

In considering whether permanent suspension is the most appropriate sanction, the Headteacher will consider the following:

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

Nonetheless, in the case of a student possessing an offensive weapon, whether there is an intention to use it or not, it is the Provision's usual policy to issue a permanent suspension in this grave matter.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governance Pupil Discipline Committee when it meets to consider the Headteacher's decision to exclude. This Committee will require the Headteacher to explain the reasons for the decision. It will look at appropriate evidence, such as the student's Provision record, witness statements and the strategies used by the Provision to support the student before suspension.

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Behaviour Outside Provision

Students' behaviour outside Provision or on provision "business", for example, provision trips and journeys, away provision sports fixtures, or a work experience placement, is subject to the Provision's Behaviour Policy. Negative behaviours in these circumstances will be dealt with as if they had occurred in Provision. For behaviour outside Provision but not on provision business, this policy will still have an effect if there is a clear link between that behaviour and maintaining positive behaviour and discipline among the student body. Suppose students' behaviour near or on a journey to and from the provision is poor and meets the Provision criteria for suspension. In that case, the Headteacher may decide to exclude.

Drug Related Suspensions

In deciding whether or not to exclude a drug-related offence, the Headteacher will regard the Provision's published drug policy and seek advice from the Drugs Education Advisor. The decision will depend on the precise circumstances of the case and the evidence available. In some instances, fixed-term suspension will be more appropriate than permanent suspension. The Headteacher will make a judgment against the provision's drug policy criteria.