

Exclusion and Suspension Policy

Bolder Academy

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Exclusion Policy V1

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Introduction

Bolder Academy is committed to creating a safe environment for all, where learning time can be maximised. Our values: be kind, be strong, be brave are an integral part of how each member of the Academy community interacts with one another.

The Behaviour Policy provides guidance and a framework which outline possible sanctions and interventions. It is the policy of Bolder Academy to avoid fixed term suspensions or a permanent exclusion, whenever possible.

The decision to issue a fixed term suspension from the Academy or to permanently exclude a student should be regarded a last resort, and usually only considered after a range of these strategies have been undertaken. This may include: contact with family, work or behaviour reports, restorative justice conversations and meetings, pastoral support plan, alternative provision/ timetables or internal exclusion. Parents will be informed of such decisions at all times. If a child is involved with social care the Academy will also notify them of the suspension or exclusion.

The Governors of Bolder Academy however, consider that the use of the Headteacher's power to suspend from the Academy can, at times, be essential for the purposes of establishing and maintaining good order and discipline. They believe that its use should be reasonable and proportionate.

This policy is intended to give a clear indication to staff, parents/carers and students of typical circumstances within which the Headteacher may use the power to exclude and the procedures that will be followed in exercising them.

Governors will rely on this policy in reviewing the actions of the Headteacher in suspending a student.

This Exclusion and Suspension Policy should be read alongside Bolder Behaviour Policy and the Government Exclusion guidance which can be found in appendix two.

Power to Suspend

The Headteacher is the only member of staff within Bolder Academy who can fix term suspend or permanently exclude a student. In the absence of the Headteacher the Deputy Headteachers may take this role.

The Governing Board's role is to review the Headteacher's decision and consider appeals from parents/carers of the suspended student. They may direct the reinstatement of an excluded student, or uphold a suspension after a review, but they cannot suspend a student themselves.

Types of Suspension

At Bolder Academy, suspensions may be escalated as follows:

- A student may temporarily be excluded from a lesson. In most cases, this may be after the Academy's behaviour procedure has been followed, and a student still refuses to co-operate. In this instance, the student may be removed from the lesson to the internal exclusion room.
- Fixed term suspensions from the Academy will usually only be applied once a student has failed to respond to sanctions or for certain incidents considered so serious by the school that a suspension is automatic (e.g. swearing at a member of staff).
- A fixed term transfer may be used where appropriate, this is where a student is sent to another school's internal exclusion room for a set number of days.
- In the most serious cases, a permanent exclusion from Bolder Academy may be the only option left to the Headteacher once all other support has been exhausted.
- A suspension or permanent exclusion can be for:
 - Persistent breaches of the school behaviour policy
 - Breach of the school rules
 - Persistent low level disruption impacting the learning of others
 - Serious breach of the school behaviour policy
 - Persistent and serious breach of the school behaviour policy
- Suspensions are recorded using the national list of codes, these are listed in appendix three

Internal Exclusions

Only the Deputy Headteacher and the Headteacher can agree an internal Exclusion. Other staff may request an internal exclusion via their line manager / Head of Department.

Staff should not threaten a student with suspension.

Once the decision to internally exclude the student has been made, the parent will be informed. The internal suspension will take place as soon as possible after the incident.

Students will complete appropriate work provided by their teachers which enables them to continue with their learning.

A student who is completing an internal exclusion will have a different break and lunchtime from the rest of the Academy, which will be supervised.

Hard and fast rules about the type of incident and the number of days suspension are generally not advisable because each situation and student requires a personalised approach.

After time in Internal Exclusion, a parent and student reintegration meeting will take place, in which restorative justice will be organised and future actions agreed.

Fixed Term Suspensions

Suspensions are an extremely serious sanction and should only be considered when other sanctions have been explored.

Only the Headteacher can agree a fixed term suspension, or the Deputy Headteacher in their absence.

The full details of the incident should be shared with the parent on the telephone and/or a suspension letter. A copy of the letter will be placed on the student file.

The Academy recognises that removing a student from the site for disciplinary reasons without following formal suspensions procedures is illegal even with the consent of the parent. If, whilst investigating an incident, a student needs to be isolated from others they should remain in Internal Exclusion, with a member of the pastoral team or with a Senior Leader.

Fixed term suspensions can be for part of the school day, for example at all lunch times or 1-5 days. Hard and fast rules about the type of incident and the number of day's suspension are generally not advisable because each situation and student requires a personalised approach.

There is a limit of 45 school days in a school year for suspensions.

If parents make representations regarding a suspension of more than 5 but not more than 15 school days in a term, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

Permanent exclusion and fixed term suspension that result in the student being suspended for more than 15 school days (singularly or cumulatively) in a full academic term, must be reported immediately to the Headteacher who will inform Governors and arrange the required Governor's Disciplinary Panel. The governing board will ensure that clear minutes are taken of the meeting as a record of the evidence that was considered. These minutes should be made available to all parties on request and the record of discussion should state clearly how the decisions have been reached, which a clerk should be present for.

A Governors' Disciplinary Panel must consider reinstatement of the student if a fixed term suspension takes them over 15 school days in a term (including 15.5 days) and this must be done within 15 school days of being notified of the suspension.

Any suspension that would mean the student missing a public exam must also be immediately reported to the Headteacher who will inform governors and arrange the required Governors' Disciplinary Panel.

There are three main reasons for suspension: a persistent breach of Bolder Academy's Behaviour policy, a serious breach of Bolder Academy's Behaviour policy or a persistent and serious breach of Bolder Academy's Behaviour Policy, or a situation where it is feared that the safety and wellbeing, or education, of other student is at risk.

Whilst having regard to the circumstances of a particular case, the Headteacher may use fixed term suspensions for reasons listed in the table in appendix one.

This list does not note every offence for which a fixed term suspension may be used but gives an indication of the behaviour where it will be considered.

- Fixed term suspensions are a very serious punishment. It will usually be of the shortest possible duration to minimise the disruption to learning that extended absence from lessons results in.
- We do not operate a fixed-tariff system and each incident will be considered on an individual basis.
- Occasionally, a longer suspension will be given if this enables additional support to be secured or to allow a student to complete their schooling.
- During the first five days of a suspension, the student is the responsibility of the parent/carer, although the Academy will set work. It is the parent's/carer's responsibility to ensure that the student does not come onto the Academy site or anywhere in the vicinity of the Academy site, and is not in any public place during school hours without reasonable justification. Failure to comply with this is fineable, with a fixed penalty notice of £60 being issued by the Police, LA or school.
- In exceptional circumstances, for example following a particularly serious incident (that does not merit a permanent exclusion) or for rapidly deteriorating behaviour, a Governors' Discipline Committee meeting will be convened even if five fixed term suspensions have not occurred. This may, for example, be when disruption to learning is becoming more frequent and/or challenge to Academy rules and authority more regular.
- For a fixed term suspension of more than five school days or separate internal/external suspensions totalling more than 5 school days, the Academy will arrange suitable full-time education (typically at another school, PRU, on-site, or online). This provision must begin no later than the sixth day of the suspension.
- If an alternative provision is being arranged, then the following information must be given to the parents no later than 48 hours before the provision is due to start:
 - The start date for any provision of full-time education during the suspension.
 - The start and finish times of any such provision, including the times for morning and afternoon sessions where relevant.
 - The address at which the provision will take place; and

- Any information required by the student to identify the person he /she should report to on the first day.
- The Academy will work with parents and any external agencies involved with the child to ensure a clear reintegration plan is in place to transition the student back to the Academy at the agreed time.
- The decision to issue a further suspension or permanently exclude a student for breaches of the Academy's Behaviour Policy may come immediately after a suspension has ended if further evidence comes to light.

Cancelling Suspensions/Exclusions

In line with *The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023*, the Headteacher can cancel any suspension or exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated. Where an exclusion or suspension is cancelled:

- The Headteacher will ensure that the following parties are notified as well as give a reason for the cancellation:
 - The family
 - The governing board
 - The Local Authority
 - The pupil's social worker (where relevant)
 - The virtual school head (where relevant)

In the case of a cancelled suspension/exclusion, the governing board's duty to consider reinstatement stops so it does not need to meet.

Reintegration

After a suspension, a parent and student reintegration meeting will take place, in which restorative justice will be organised and future actions agreed. Ideally, the staff will be those involved in the incident, but there may be situations where this is not appropriate.

Reintegration meetings are typically carried out in the morning after the last day of suspension, however there may be occasions where this is not possible. In these circumstances, the Headteacher or those staff delegated will decide the best time for the reintegration meeting.

Permanent Exclusion from the Academy

Permanent exclusion will be reserved for offences that would have a seriously damaging effect on the life of the Academy (not necessarily limited to conduct that has taken place during Academy time or on/near to the Academy), the well-being of other

student or of staff, or seriously and persistently interfere with teaching and learning in the Academy.

Whilst having regard to the circumstances of a particular case, the Headteacher may use permanent exclusion for reasons listed in the table in appendix one. This list does not note every offence for which a permanent exclusion may be used but gives an indication of the behaviour where it will be considered.

A permanent exclusion is the most serious action a school can take and will only be taken when all other alternatives have been explored. However, it is clear that for some students, in some circumstances, that this may be the only available and appropriate option.

In most cases, a permanent exclusion will be the final step in a process of dealing with disciplinary offences following a wider range of strategies which have been tried without success. It is an acknowledgement by the Academy that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.

There will however, be circumstances where a 'first offence' is so serious that a permanent exclusion has to be considered. The Academy may then also wish to inform the police or other appropriate agency.

The DfE guidance is clear that the Academy has a statutory duty not to discriminate against student on the grounds of protected characteristics such as disability or race and that we should give particular consideration to the fair treatment of student from groups who are vulnerable to suspension.

A permanent exclusion should be taken as having 'occurred' on the first day of the suspension unless new evidence has come to light during an investigation.

Alternatives to Permanent Exclusion

The Academy will work actively to avoid exclusions. It is very much a last resort and, where possible, we may pursue the following before a permanent suspension is confirmed:

- A managed move to another local school.
- A placement at an alternative curriculum provider.
- Schools have the power to direct to off-site education without parental consent as per section 4 of the Government Exclusion guidance
- A highly personalised curriculum programme.
- Securing a statement of Special Educational Need/Education and Health Care Plan and possibly a placement at a special school.

Governors Disciplinary Panel – Permanent Exclusion Hearing

In the case of a permanent exclusion, the Governors' Disciplinary Committee must review the decision that the Headteacher has taken, following representation from the school and parents or carer. The parent/carers may take a representative to the meeting. The child should attend the meeting. An LA representative will attend if invited by the parent.

These meetings will be held in-person by default. However, families have the right to request that the meeting be held via remote access (e.g live video link). The Headteacher will remind families of this option when notifying a family about an exclusion hearing or Independent Review Panel. These meetings will only be held remotely by default in exceptional circumstances such as where the school has had to close due on a day where it should have been open (e.g a flood, a fire).

Where a meeting is being held remotely, governing boards and arranging authorities should:

- Confirm that all participants have access to technology that will allow them to:
 - Hear
 - Speak
 - See
 - Be seen
- Make sure that all participants can participate fully
- Make sure that the remote meeting can be held fairly and transparently

If the governing board or arranging authority aren't satisfied that the remote meeting can be held fairly and transparently, then they must work with the family to decide how an in-person meeting can be arranged without delay. This includes where participants may experience technical issues.

Where a meeting takes place in-person, social workers and virtual school heads may still join remotely, as long as they can contribute effectively.

Parents and the LA will be notified of the decision to permanent exclude in writing, setting out the reasons for the decision. The Governors' notification will also include the notice of parents' rights to ask for the decision to be reviewed by an independent review panel and the date by which an application for a review must be made and to whom (within 15 school days from the date of notice in writing).

Independent Review Panel (IRP)

This Panel must meet within 15 days of receiving a request and will include 3-5 members including a Lay (chair), School Governor and Headteacher (within the last 5 years), SEN expert if requested by the parent, Head and Chair of the disciplinary Committee. Additional evidence can be heard. As above, these meetings may be held remotely at the request of the family.

Fairness and Transparency

The Governing Board or arranging authority must assess whether a meeting can be held fairly and transparently with reference to the facts of each case. It cannot be decided by following a general policy.

Running a Remote Meeting

If a meeting is held via remote access, the chair will make every effort to check the participants understand the proceedings and can engage with them. This is to ensure the meeting is conducted fairly.

If, once the meeting starts, the meeting cannot proceed fairly, for example because a participant cannot access the meeting, the governing board or IRP should adjourn the meeting.

The use of remote access does not alter other procedural requirements that may apply to governing boards, arranging authorities or IRPs. For example:

- if a parent requests the appointment of a special educational needs (SEN) expert to advise a review panel, the arranging authority must appoint one and cover the cost as normal
- parents may be joined by a friend or representative, as normal

Though Governing Board and IRPs must consider written representations if they are made, the law does not allow for solely paper-based 'meetings', conducted in writing.

As long as the conditions for a remote access meeting are met, it is possible for some participants to be present in person and for others to join the meeting via remote access. All the participants must have access to technology which will allow them to hear and be heard by others throughout (and to see and be seen throughout, if a live video link is used).

To help meetings run smoothly and ensure they are accessible for participants:

- we will provide clear instructions about how to join the meeting virtually, and distribute the relevant papers in a timely manner ahead of the meeting
- we will indicate a named person who participants can contact with any questions they may have beforehand
- we will ensure the chair is prepared to explain the agenda at the start and to provide clear guidance on how the meeting will be run, for example:
 - how participants should indicate they wish to speak
 - how any 'chat' functions should be used
 - whether there will be any breaks in proceedings
 - how participants can access advocacy services during the meeting

- we will consider holding a pre-meeting with attendees to check that the available technology is suitable, and all participants understand how to access the meeting

Work for the Suspended Student

- For fixed term suspensions over 5 days, the student will be educated from the sixth day, off the school site at a place determined by the Headteacher.

Investigation Process

- The investigation will not be undertaken by the person who will decide on suspension unless circumstances dictate this.
- Witness statements will be recorded, signed and dated.
- Anonymity cannot be promised to a witness however every effort will be made to maintain it if the witness has concerns regarding their safety. The statement will be signed and dated in the normal way but the name will be withheld.
- The person accused of any offence will be given the opportunity to give his/her own side of the story and respond to statements made by others.

Decision

- The decision to fixed term suspend or permanently exclude a student will only be taken by the Headteacher or, in their absence, the Deputy Headteachers.
- The decision will be taken on all the evidence available at the time.
- The decision will be taken on the balance of probability, i.e. 'the civil standard of proof', where on the balance of probabilities, it is more likely than not that a fact is true and that the decision-maker should accept that something happened if it is more likely that it happened than that it did not happen.
- To ensure fairness in the case of an offence that is potentially a criminal act, an additional test will be applied; that it was, 'distinctly more probable than not' that the student committed the offence.

N.B. If a suspension will prevent a student from taking a public examination, then the Chair of Governors will be informed immediately so that s/he can review the decision or convene a meeting of the Disciplinary Committee before the examination takes place.

Governors Discipline Committee – 5 suspensions, or suspensions of 10 days or more

The Discipline Committee will be convened in accordance with current regulations by the Clerk to Governors.

- This will be communicated without delay by student post; and/or letter and telephone message as appropriate to: the persons having parental responsibility for the student; and the Clerk to Governors.

- It will be clerked and advised by the Clerk to Governors or a person with experience in clerking such meetings.
- The Clerk will ensure that all members of the Committee are reminded of the legal framework for their hearing.
- The conduct of the meeting will be in the hands of the Chair of the Committee, in accordance with the rule of natural justice and having regard to any guidance issued by the Secretary of State.
- The Governors will discuss the case alone with their Clerk after all parties have had the opportunity to state their case and respond to the points put by other parties.
- For hearings related to 5 separate suspensions, if the Discipline Committee agree that there has been a significant and persistent disregard for school discipline then governors will alert the student, and their family, that another similar offence would be likely to lead to a permanent suspension. In this circumstance, a final warning is given.
- For fixed term suspensions of 10 days or more, the Discipline Committee can uphold the suspension or overturn it, but not alter the duration.
- If a fixed term suspension of 10 days or more is upheld, (or there have been 5 suspensions) governors will alert the student, and their family, that another similar offence would be likely to lead to the student being permanently excluded.

Evidence of implementation

The Headteacher will report periodically on the incidence of both fixed term suspension and permanent exclusion to the Governing Board. This group will also use their power to review the operation of this policy in consultation with the Headteacher and the staff and to recommend any changes to the Governing Board.

Appendix One – Bolder Behaviour Chart

Behaviour	Sanction
Breaking Academy rules as outlined in the Behaviour Policy	<p>L1 – 30 minute detention held on the following day</p> <p>L2 – 60 minute detention - Removed from class to work in the Removal Room and a 1 hour detention held the next day</p> <p>2x L2s in the same day – Placed in the Internal Exclusion room for the remainder of the day until 5pm (parents notified via phone call / email)</p>
Missed/failed L1 Detention	L2 detention held on the following day
Missed/failed L2 Detention	Internal Exclusion the following day
Late to lesson	L1 detention held on the following day
Late to school	Lunch time detention held the same day
Phone and headphones – cannot be use on school site (e.g. playground, halls and atriums), including as students enter and exit the school site (e.g. once through the gate)	<p>L2 detention</p> <p>Confiscated by the member of staff and handed to reception, parents can collect the following Academy day or students can collect after 5 Academy days.</p> <p>If an item is confiscated on the last day of term, a parent can collect on the first day back of the new term.</p>
Incorrect uniform including makeup, jewellery, trainers, hoodies and wearing PE kit on the incorrect day	<p>We will give any pupils and families breaching the uniform policy the opportunity to comply.</p> <p>Students will be issued L2 detention.</p> <p>Incorrect uniform will be confiscated, students can collect items at the end of the week.</p> <p>If students are in trainers without medical evidence or unable to rectify make up including nails and eyelashes they will not be in main stream lessons.</p> <p>Please see uniform policy for further details.</p>
Refusal to hand over confiscated item e.g. phone, headphones, hoodies	Internal Exclusion
Repeated incidences of low-level disruption e.g.: high number of detentions, disturbing the learning of others, constant questioning when asked to follow basic expectations which impedes the learning of others / smooth operating of the school.	<p>Internal Exclusion</p> <p>Fixed Term Suspension</p> <p>Permanent Exclusion</p>
Truancy / not going to class and going elsewhere in the school	<p>L2 detention</p> <p>Repeat incidents of truancy could lead to Internal Exclusion, a Fixed Term Transfer or Fixed Term Suspension</p>

Anti – social behaviour in school or outside of school. This includes water fights, threats of violence, and intimidating behaviour.	Internal Exclusion Fixed Term transfer or suspension
Use of inappropriate sexualised, racist, homophobic language which could be perceived as derogatory. Sexual harassment and/or sexual violence	Internal Exclusion Fixed Term transfer or suspension Permanent Exclusion
Bullying including on the grounds of race, gender, sexual identify, religion, age or ethnicity. This can be in person or online bullying.	Internal Exclusion Fixed Term transfer or suspension Permanent Exclusion
Swearing/calling staff rude name	Fixed Term transfer or suspension Permanent Exclusion
Threatening behaviour towards student and/or staff	Internal Exclusion Fixed Term transfer or suspension Permanent Exclusion
Unsafe behaviour in between lessons, corridors and lunch queues e.g. pushing, making physical contact, congregating with other students in toilet cubicles	L2 Detention Internal Exclusion Fixed Term transfer or suspension
Physical behaviour towards student and/or staff (self-defence and a claim of play fighting will not be accepted as an excuse)	Internal Exclusion Fixed Term transfer or suspension Permanent Exclusion
Failed/refusal of Internal Exclusion room	Fixed term suspension rest of day Owes full day in Internal Exclusion the following day
Bringing and/or using illegal substances on to the Academy site such as drugs, alcohol, vape pens or cigarettes, knives, BB guns	Internal Exclusion Fixed Term transfer or suspension Permanent Exclusion
Bring the Academy in to disrepute (the school behaviour policy applies to students who are in Bolder uniform	Internal Exclusion Fixed Term transfer or suspension

including during their commute to and from the Academy)	Permanent Exclusion
Any other serious incident or persistent defiance	Internal Exclusion Fixed Term transfer or suspension Permanent Exclusion

Appendix Two - Government Guidance on Exclusions

[Exclusion from maintained schools, academies and pupil referral units in England \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Appendix Three - National Standard list of reasons for suspensions

Source:

www.teachernet.gov.uk/wholeschool/behaviour/suspension/datacollection/annexb/

Code	Description	Includes:
BU	Bullying	Verbal bullying
		Physical bullying
		Homophobic bullying
		Racist bullying
		Peer on peer abuse
DA	Drug and alcohol related	Possession of illegal drugs
		Inappropriate use of prescribed drugs
		Drug dealing
		Smoking
		Alcohol abuse
		Substance abuse
DB	Persistent disruptive behaviour	Challenging behaviour
		Disobedience
		Persistent violation of school rules
DM	Damage (includes damage to school or personal property belonging to any member of the school community)	Vandalism
		Arson
		Graffiti

OT	Other	Includes incidents which are not covered by
PA	Physical assault against adult	Violent behaviour
		Wounding
		Obstruction and jostling
PP	Physical assault against student	Fighting
		Violent Behaviour
		Wounding
		Obstructing and jostling
RA	Racist abuse	Racist taunting and harassment
		Derogatory racist statements
		Swearing that can be attributed to racist
		Racist bullying
		Racist graffiti
SM	Sexual misconduct	Sexual abuse
		Sexual assault
		Sexual harassment
		Lewd behaviour
		Sexual bullying
		Sexual graffiti
TH	Theft	Stealing school property
		Stealing personal property (student or adult)
		Stealing from local shops on a school outing
		Selling and dealing in stolen property
VA	Verbal abuse/threat to adult	Threatened violence
		Aggressive behaviour
		Swearing
		Homophobic abuse and harassment
		Verbal intimidation
		Carrying an offensive weapon
VP	Verbal abuse/threat to student	Threatened violence
		Aggressive behaviour
		Swearing
		Homophobic abuse and harassment
		Verbal intimidation
		Carrying an offensive weapon

