

## Student Suspension and Exclusion Procedures for Incidents of Student Indiscipline

### Key Information

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### Version History

Version	Date	Amendments
V01.0	11.06.2019	First version for review – Prepared by KMD
V01.01	26.06.2019	Reviewed with minor edits by LBU and reformatted
V01.02	02.07.2019	One amendment made

# STUDENT SUSPENSION AND EXCLUSION PROCEDURES FOR INCIDENTS OF STUDENT INDISCIPLINE

## 1. Sanctions for incidents of indiscipline

### 1.1 Actions which could result in suspension only:

- Refusal to comply with reasonable request of member of staff, eg to give identity to school staff, or refusal to leave room on request
- Inappropriate use of the internet
- Smoking on the school premises
- Serious plagiarism of work submitted for public assessment
- Collusion in bringing outsiders on to the school premises
- Use of another student's school ID card and/or giving an ID card to another student

### 1.2 Actions which could result in suspension and subsequent permanent exclusion:

- Physical violence on the school premises and in the neighbourhood of the school
- Possession of knives, other weapons, or items likely to cause harm for which no reasonable explanation can be offered
- Vandalism/misuse of health and safety equipment
- Possession of drugs, including alcohol, both on the premises and in the neighbourhood of the school
- Being under the influence of drugs, including alcohol, on the school premises and in the neighbourhood of the school
- Theft, on the premises or within the neighbourhood of the school
- Verbal aggression/unacceptable rudeness to school staff, both on the premises and in the neighbourhood of the school. This includes racist and/or sexist abuse
- Verbal abuse/unacceptable rudeness to fellow students, both on the premises and in the neighbourhood of the school. This includes racist and/or sexist abuse
- The abuse referred to above includes the use of email, social networking forums and/or text as a mode of communication of hurtful or libelous material
- Any other anti-social behaviour likely to cause harm to students/staff both on the school premises and in the neighbourhood of the school
- Involvement in serious misconduct external to the school, likely to cause grave reputational damage to the school
- Giving a school ID card to someone who is not a student at the school
- Actions causing harm to another student(s) in the school
- Lewd or sexually inappropriate behaviour
- Harmful sexual behaviour on the school premises and in the neighbourhood of the school
- Sexual violence on the school premises and in the neighbourhood of the school
- Sexual harassment on the school premises and in the neighbourhood of the school

- Students who have failed their probation or four week contract because of poor attendance, punctuality, failure to complete work and/or poor behaviour can be permanently excluded from school
- Any action resulting in a second suspension

1.3 The neighbourhood of the school is taken as any area within a 10 minute walk of the school.

1.4 All these requirements pertain when students are on school organised trips, either for one day, or on a residential basis.

## **2. Procedures for managing suspensions and exclusions**

### 2.1 Responsibility for suspension:

In most cases this will lie with the Director of Sixth Form and Director of Pastoral Care. If neither of these members of staff is available, then suspension can be actioned by other members of the senior leadership team, and other Pastoral Managers.

### 2.2 Process of suspension:

- Students for whom suspension is being considered will usually be brought to senior members of staff by teachers or support staff involved in the management of an incident, or will have been identified by senior staff when they have been called to an incident
- Written statements from the student(s) involved, any witnesses (staff or students) should be taken as quickly as practicable by senior staff.
- Where it is not appropriate to do so, the student should be informed on dismissal from the premises to promptly thereafter send in a statement which should be received at least 24 hours before any subsequent interview.
- If the member of staff managing the suspension feels that the incident is sufficiently serious, and may result in permanent exclusion, then they may call for a staff witness to the conversation during which the student is excluded. In such a case the student is also entitled to have present a witness or friend.
- Staff should inform parents/carers of the student by phone at the time of initiating the exclusion or as soon as practicable thereafter.
- If phone contact is not possible then the student should be sent home with a standard letter informing the parents/carers of the suspension. In all cases staff should put such a letter regarding the incident in the post to the parents/carers.
- Students who live independently should be given, or have sent, the same standard letter regarding the suspension
- Where the incident has been sufficiently serious for permanent exclusion to be a possibility then verbal and written statements should be taken from those involved in, or witnesses to the incident, including other members of staff. This process can be shared with other senior members of staff where the situation is complex.

### 2.3 Re-admission of suspended students:

Before an excluded student is readmitted to the school they will be required to attend a meeting with the member of staff handling their exclusion. This meeting will be called within five working days of the original suspension. See also 4.4 below.

- Whenever practicable the suspended student's parents or carers should attend that meeting. If no parent or carer attends the meeting the member of staff handling the suspension should write promptly following the meeting to the parents/carers summarising the outcome of the meeting and the basis on which the student has been readmitted.
- Brief details of the suspension and the basis of readmission must always be entered on the student's pastoral log in SIMS by the member of staff handling the suspension.

### 2.4 Consideration of permanent exclusion:

Any investigation which may result in permanent exclusion must be referred for resolution to the Headteacher or, in his/her absence, the Director of Pastoral Care.

- The Headteacher will consider all statements and other evidence prior to meeting with the student and his/her parents/carers
- Students and their families must be invited in for a formal meeting with the Headteacher. Where the student lives independently every effort will be made to ensure the presence of a responsible adult with the student. The Headteacher will also be accompanied by a senior member of staff.
- In this meeting the Headteacher will go through the evidence with the student and his/her parents/carers, and ask questions of them. The student and his/her parents/carers will also be invited to make representations to the Headteacher
- The student and their parents/carers will be informed as soon as possible and in any event within three working days of the outcome of those representations
- In the event of permanent exclusion information regarding support on leaving school and reference to appeals procedures will be included in the exclusion letter.

## 3. Appeals procedures

### 3.1 Application for appeal

- A student who has been permanently excluded may write to the Chair of Governors to appeal against the Headteacher's decision. The letter must set out the reasons why the student (or their parents/carers) considers that the Headteacher's decision was wrong or inconsistent either with the criteria for permanent exclusion or the procedures that were followed.
- The appeal letter must be received within ten working days of the dispatch of the exclusion letter from the Headteacher

### 3.2 Conduct of an appeal hearing

- A committee of three Governors, which where practicable would include the Chair (or Vice-Chair) of Governors, but not the Headteacher, or any staff or parent governors, will be convened to conduct a hearing. This hearing should take place within ten working days of the receipt of the appeal letter.

- The hearing will take place according to the following procedures:
  - All business connected with the hearing should be in the presence of all concerned, except when Governors consider their decision
  - Introduction by the Chairman of the Appeal Panel and reminder to members and all present of the Procedure under which the hearing has been called, and the manner in which the hearing will be conducted as set out below
  - The presentation of the case for exclusion or suspension by the Headteacher on behalf of the school, including the calling of witnesses. Witnesses (other than the Headteacher) should attend only for that part of the hearing to give evidence. Questions should be asked of witnesses before they leave.
  - Questions by the student, their family and/or representatives and by Governors to the Headteacher.
  - Statements by the student, their family and/or representatives, including the calling of witnesses. Witnesses (other than the Headteacher) should attend only for that part of the hearing to give evidence. Questions should be asked of witnesses before they leave.
  - Questions by the Headteacher and by Governors to the student, their family and/or representatives.
  - Opportunity for the Headteacher to make a final statement.
  - Opportunity for the student, their family and/or representatives to make a final statement.
  - Withdrawal by the student, their family and/or representatives, and the Headteacher, while the Governors consider the matter.
  - Consideration of the matter by the Governors, in the presence of the Clerk of the Hearing and any legal adviser acting in that capacity only. If further information is required of any of the persons who have left the hearing then all parties should return to the hearing when such information is being sought. An opportunity should be given to each party to question or comment upon this additional information.
  - Recall of parties concerned to hear the decision of the Governors orally.
  - Subsequent confirmation of decision of the Governors in writing to the parties concerned.

### 3.3 Actions consequent to Appeal Hearing:

- Should the Governors decide that an appeal be upheld then the Headteacher will organise the re-instatement of the student and the resumption of their studies with expedition.
- Should the Governors decide that an appeal be rejected then that decision, with a supporting explanation, may be included as part of the reference that might be provided under section 4.5
- Should the Governors decide that an appeal be rejected then the student and their family should be informed of their right to lodge a complaint with the YPLA, or successor funding body, as described in the School's financial memorandum

## 4. Guidance for staff in managing suspensions and exclusions

### 4.1 The securing of statements:

- Statements made by excluded students, members of staff, or other students that were witnesses to the incident, should be signed and dated.

- If a student who has been excluded refuses to make a statement about the incident or circumstances of the exclusion then this refusal should be noted by the senior member of staff managing the exclusion.
- Where appropriate, witnesses should be assured that all reasonable effort will be made to protect their anonymity in the use of their statements. Their names will not normally be released in discussions between senior staff and the student or families of those suspended. In the event that it is judged appropriate to share written evidence with those parties, then names will normally be obscured. Absolute anonymity, however, cannot be guaranteed because excluded students and their representatives retain the right to question witnesses in appeal hearings.
- Senior staff can submit accounts of verbal testimonies from students who are reluctant to make independent signed statements. This evidence can be used in the resolution of an incident, but it will not be given the same weight as independent signed statements from witnesses.

#### 4.2 Exclusion letter

- The letter should:
  - Give the reason for the suspension, even if couched in the form of an allegation which is subject to further investigation
  - Identify the name of the member of staff managing the exclusion
  - Make it clear that the student must not return to the school, or its environs, until an interview is arranged with the student's family and senior staff
  - Either give an appointment or a commitment that the school will be in touch to organise an appointment. If permanent exclusion is a possibility make it clear that this appointment will be organised through the Headteacher's PA
  - Indicate the possibility of permanent exclusion if, in the judgement of the senior member of staff, that could be the outcome. If it is a second suspension that should definitely be indicated.

#### 4.3 Internal communication of a suspension

- Email all staff with the name of the excluded student.
- Security/site care staff must be informed of a student's suspension
- Office staff should also be informed so that the student's register can be marked E for the period of the exclusion

#### 4.4 Resolution of suspensions

- Meetings with students and their parent/carers at the end of a suspension must include some reflection on the seriousness of the situation, and a clear understanding of the likely consequences of future misjudgments. It is also important to reassure the student that they still have the opportunity to make a success of their career at The New Sixth and that a completed suspension creates the possibility of a fresh start.
- Where the case of the suspension has included a breakdown in relationship between the student and a fellow student or member of staff some level of reconciliation should be effected, in the submission of verbal or written apologies and/or a "clear the air" discussion.

#### 4.5 Support on leaving school in the event of a permanent exclusion

- Students and their parents/carers will be provided with details of the Careers Adviser who may be able to help them secure a next step.
- In all but the most extreme of circumstances the Headteacher will undertake to write an open reference which could be used supportively to secure a student a place at another school or in training/employment.