

Suspension and Permanent Exclusion Policy

Version 2

This policy applies to all Primary and Secondary Schools.



**DINNINGTON
HIGH SCHOOL**



Wingfield Academy



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1.0 Guiding Principles

- 1.1 We are fully committed to ensuring that all pupils access their full entitlement to a high-quality education, enabling them to thrive and succeed. To achieve this, all children have the right to learn in safe, orderly, and positive environments where their needs are met.
- 1.2 We will endeavour to provide a broad and balanced curriculum that meets the needs of all pupils, enables them to progress and be successful in their future.
- 1.3 Our inclusive approach ensures reasonable adjustments will be made in recognition that each child is unique. In all cases we make decisions in the best interests of the child and will work in partnership with other agencies to ensure that children are supported in the right way.
- 1.4 Our Headteacher/Principals have the right to suspend or permanently exclude a pupil where there has been a serious breach or breaches of the behaviour policy and where allowing the pupil to remain in the academy would seriously harm the education or welfare of the pupil or others such as staff or pupils in the academy.
- 1.5 All decisions to suspend are serious and only taken as a last resort. Considerations will only be made following appropriate preventive measures have been taken and all reasonable adjustment have been exhausted

2.0 Purpose and intent

- 2.1 All decisions to suspend and/or permanently exclude will be lawful, reasonable and fair. The Academy / School pays due regard to the principle legislation, namely:
 - the 2011 Education Act
 - the School Discipline Regulations 2012
 - the Education and Inspections Act 2006
 - the Education Act 1996
 - the Education (Provision of Full-Time Education for Excluded Pupils) Regulations 2007, as amended by the Regulations 201
 - The most up to date guidance released by the DfE
- 2.2 The following examples maybe reasons for a suspension (this list is not exhaustive):
 - Failure to comply with a reasonable request from a senior member of staff.
 - Behaviour that endangers or may endanger the student's own safety
 - Behaviour that endangers or may endanger the safety of others
 - Violent or threatening behaviour towards a student or member of staff

- Directed use of foul, derogatory /or abusive language towards a student or member of staff
- Possession and/or consumption of alcohol or drugs
- Persistent or repeat incidences of bullying
- Theft

2.3 When making a decision regarding a suspension we are mindful not to discriminate against children on the basis of protected characteristics such as disability. Children with identified special educational needs and disabilities (SEND) will need more support to meet expectations, although they must not present a health and safety risk to staff or students and must be within the control of the Academy / School. The Headteacher/Principal will pay due regard to the SEND Code of Practice when suspending a child with an identified need. Reasonable adjustments for identified children will be agreed under the direction of the school's SENDCO.

2.4 A student may be suspended for one or more fixed-term periods (up to a maximum of 45 school days in a single academic year) or permanently. Students can be suspended for full days or parts of a day or from the premises at lunchtime if behaviour at this time is disruptive. Where the Headteacher/Principal believes an incident may warrant more than a five-day suspension, the Academy / School has the duty to arrange for education following the fifth day. Where students are suspended for incidents of similar circumstances the number of days suspension sanctioned will increase with severity.

2.5 The Academy / School has the power to sanction pupils for misbehaviour outside of the Academy / School premises to such an extent as is reasonable. Conduct outside the Academy / School premises, including online conduct, that we will sanction for:

- when on any Academy / School -organised or Academy / School -related activity
- travelling to and from the Academy / School
- when wearing Academy / School uniform
- when in some way identifiable as a pupil at the Academy / School
- where there will be repercussions for the orderly running of the Academy / School
- posing a threat to another pupil
- adversely affecting the reputation of the Academy / School

3.0 Definitions

3.1 Internal exclusion – where student remains in school, but works in a separate room for a set duration. Students in internal exclusion are supervised and have access to lesson work and wider learning for the duration of their sanction – as detailed in the Trust Behaviour Policy.

- 3.2 Managed move – when a student is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.
- 3.3 Off-site direction – when an Advisory Group of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.
- 3.4 Parent – any person who has parental responsibility and any person who has care of the child.
- 3.5 Permanent exclusion – when a student is removed from the school permanently and taken off the school roll. This is sometimes referred to as an ‘exclusion’.
- 3.6 Suspension – when a student is removed from the school for a fixed period. This was previously referred to as a ‘fixed-term exclusion’.

4.0 Roles and Responsibilities of ALL parties

4.1 The Headteacher/Principal

- 4.1.1 Only the Headteacher/Principal has the power to suspend or exclude a student and this is only on disciplinary grounds. When establishing facts, the Headteacher/Principal must apply the civil standard of proof: ‘on the balance of probabilities’ it is more likely than not that a fact is true, rather than the criminal standard of ‘beyond reasonable doubt’. The Headteacher/Principal has the right to direct a child to off-site education. Parents will be informed initially by telephone. This will be followed up with a letter.
- 4.1.2 Before deciding whether to suspend or exclude a student, the Headteacher/Principal will:
- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
 - The Headteacher/Principal will consider the views of the student, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so
 - Consider whether the student has special educational needs (SEND)
 - Consider whether the student is especially vulnerable (e.g. the student has a social worker, or is a looked-after child (LAC))
 - Consider whether all alternative solutions have been explored, such as off-site direction or managed moves

4.2 Advisory Group

- 4.2.1 The Advisory Group has a duty to consider parents’ representations about a suspension or permanent exclusion. It has a duty to consider the

reinstatement of a suspended or permanently excluded student (where applicable, as detailed below).

- 4.2.2 The Advisory Group has delegated this responsibility to a Student Suspensions and Exclusions Committee which will comprise of 3 individuals made up from Advisors from across the trust, non-executive Directors or Trust Members who can hear the case impartially. If an individual has a connection with the student, or knowledge of the incident that led to the exclusion, which could affect his or her ability to act impartially, he or she should step down
- 4.2.3 The Advisory Group's Student Suspensions and Exclusions Committee will consider and decide on the reinstatement of a suspended or permanently excluded student within 15 school days of receiving the notice of the suspension or exclusion if:
- The exclusion is permanent
 - It is a suspension which would bring the student's total number of days out of school to more than 15 in a term; or
 - It would result in a student missing a public exam or National Curriculum test
- 4.2.4 Where the student has been suspended, and the suspension does not bring the student's total number of days of suspension to more than 5 in a term, the Advisory Group Chair must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the Headteacher/Principal to reinstate the student.
- 4.2.5 Where the student has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the Advisory Group, the Student Suspensions and Exclusions Committee will consider and decide on the reinstatement of a suspended student within 50 school days of receiving notice of the suspension. If the parents do not make representations, the Committee is not required to meet and it cannot direct the Headteacher/Principal to reinstate the student.
- 4.2.6 Where a suspension or permanent exclusion would result in a student missing a public exam or National Curriculum test, Student Suspensions and Exclusions Committee will, as far as reasonably practicable, consider and decide on the reinstatement of the student before the date of the exam or test. If this is not practicable, the Student Suspensions and Exclusions Committee may consider the suspension or permanent exclusion and decide whether or not to reinstate the student.

4.3 The Parent/Carer or any person with parental responsibility

- 4.3.1 Parents/Carers have a duty to ensure their children are not in a public place at any time during the school day. Failure to comply with this could lead to a fixed penalty notice or prosecution.

5.0 Reintegration

- 5.1 Following any fixed-term suspension, the Academy / School will take reasonable steps to meet with parents and students to ensure there is clarity around the reasons for the action and also to discuss the student's reintegration. This meeting will be chaired by a member of the behaviour team and/or senior leadership team. At the meeting, the strategy for reintegration and managing the student's behaviour will be discussed.

6.0 The decision

- 6.1 A decision to exclude a student permanently should only be taken:

- In response to serious or persistent breaches of the Academy's / School's Behaviour for Learning Policy.
- Where allowing the student to remain in the Academy / School would seriously harm the education or welfare of the students or others in the Academy / School.

(DfE 'Exclusion from maintained schools, Academies and pupil referral units in England 2015 guidance)

- 6.2 The Headteacher/Principal will make the judgement, in exceptional circumstances, where it is appropriate to permanently exclude a child for a first or 'one-off' offence. These offences might include:

- Serious actual physical assault against another student or a member of staff;
- Bringing onto Academy / School site illegal substances with or without an intent to supply;
- Carrying an offensive weapon; (See Appendix 1 for guidance)
- Potentially placing members of the public in significant danger or at risk of significant harm.
- These instances are not exhaustive, but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being of the Academy / School community.

7.0 Behaviour expectations and Pupils with Special Educational Needs and/or Disability (SEND)

- 7.1 The Academy's / School's culture will consistently promote high standards of behaviour and provide the necessary support to ensure all pupils can achieve and thrive both in and out of the classroom. Our whole-school approach aims to meet the needs of all pupils in the school, including pupils with SEND, so that everyone can feel they belong in the school community and high expectations are maintained for all pupils. Our behaviour culture will create a calm environment which will benefit pupils with SEND, enabling them to learn.
- 7.2 Some behaviours are more likely be associated with particular types of SEND, such as a pupil with speech, language and communication needs who may not understand a verbal instruction. Behaviour will always be considered in relation to a pupil's SEND, although it does not follow that every incident of misbehaviour will be connected to their SEND.
- 7.3 We will manage pupil behaviour effectively, whether or not the pupil has underlying needs. When a pupil is identified as having SEND, the graduated approach will be used to assess, plan, deliver and then review the impact of the support being provided.
- 7.4 The law also requires the Academy / School to balance a number of duties, ensuring that they have a bearing on the behaviour policy and practice, particularly where a pupil has SEND that at times affects their behaviour. In particular:
- schools have duties under the Equality Act 2010 to take such steps as is reasonable to avoid any substantial disadvantage to a disabled pupil caused by the school's policies or practices;
 - under the Children and Families Act 2014, relevant settings have a duty to use their 'best endeavours' to meet the needs of those with SEND;
 - if a pupil has an Education, Health and Care plan, the provisions set out in that plan must be secured and the school must co-operate with the local authority and other bodies.
- 7.5 Reasonable Adjustments
- 7.5.1 Under the Code of Practice (2014) schools have a duty to ensure that for students with SEND, reasonable adjustments are offered. Reasonable adjustments ensure that the barrier to a student need is reduced/ removed.
- 7.5.2 As part of meeting any of these duties, we will, as far as possible, anticipate likely triggers of misbehaviour and put in place support to prevent these. Examples of preventative measures include (but are not limited to):
- short, planned movement breaks for a pupil whose SEND means that they find it difficult to sit still for long;

- adjusting seating plans to allow a pupil with visual or hearing impairment to sit in sight of the teacher;
- adjusting uniform requirements for a pupil with medically/clinically evidenced sensory issues or who has severe eczema;
- the use of a brain break
- key worker access to a safe space, ensuring that they have a champion and advocate within the Academy / School
- interventions to support Social Emotional Mental Health where the Academy / School feels it is appropriate.
- The Academy / School also works closely with Rotherham With Me in Mind (part of CAMHS early prevention offer) and would signpost and support students in accessing mental health support
- training for staff in understanding conditions such as autism.

7.6 Any preventative measure should take into account the specific circumstances and requirements of the pupil concerned.

8.0 Communication

- 8.1 We will communicate any decision to exclude to parents/carers as soon as reasonably possible after the decision is made. Communication is normally verbal in the first instance with staff aiming to speak to parents/carers and explain the situation and the decision reached. For all forms of suspensions and exclusions, this will be followed up with a formal letter.
- 8.2 We will notify the Local Authority of all suspensions and permanent exclusions, including notifying the 'home authority' where a student lives outside of the LA in which the school is located.
- 8.3 We will also notify the student's social worker (where applicable and contact details are available) and/or the Virtual School Head in a case involving a Looked After Child.
- 8.4 The Headteacher/Principal will, without delay, notify the Advisory Group Chair (via the Governance Manager) of:
- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
 - Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
 - Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam

9.0 Challenging the decision to exclude

9.1 There is a statutory process in place for parents/carers to follow should they wish to challenge an exclusion (fixed term or permanent).

9.2 A Student Suspensions and Exclusions Committee will be convened to consider the challenge. The following parties will be invited to a panel meeting:

- The Headteacher/Principal and/or his/her representative
- The parents/carer of the excluded student (who may be accompanied by a friend or representative)
- The excluded student where this is appropriate given their age and level of understanding (whose attendance is optional and subject to parental consent)
- Where applicable the student's social worker / Virtual School Head (VSH). This is so they can provide advice on how the student's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the student's welfare are taken into account.

9.3 It is expected that any documentation that either the school or parents/carers wish the panel to consider will be circulated to all parties 5 school days in advance of the meeting.

9.4 Student Suspensions and Exclusions Committee can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date

10.0 Cancelling suspensions and permanent exclusions

10.1 The Headteacher/Principal may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the hearing panel. Where there is a cancellation:

10.2 The parents, Advisory Group Chair (via the Governance Manager) and LA will be notified without delay

10.3 Where relevant, any social worker and VSH will notified without delay

10.4 Parents will be offered the opportunity to meet with the Headteacher/Principal to discuss the cancellation without delay

10.5 The Headteacher/Principal will report to the Advisory Group and Board once per term on the number of cancellations

- 10.6 The student will be allowed back in school without delay
- 10.7 Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year
- 10.8 A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect

11.0 Independent review

- 11.1 If parents apply for an independent review within the legal timeframe, the Trust will arrange for an independent panel to review the decision of the Student Suspensions and Exclusions Committee not to reinstate a permanently excluded student.
- 11.2 Applications for an independent review must be made within 15 school days of notice being given to the parents by Student Suspensions and Exclusions Committee of its decision to not reinstate the student **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.
- 11.3 A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the Headteacher/Principal category. At all times during the review process there must be the required representation on the panel.
- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
 - Current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Headteacher/Principals during this time
 - Headteacher/Principals or individuals who have been a Headteacher/Principal within the last 5 years
 - A person may not serve as a member of a review panel if they:
 - Are a Trustee/Governor (Advisor) of the Trust of the excluding school
 - Are the Headteacher/Principal of the excluding school, or have held this position in the last 5 years
 - Are an employee of the Trust, or of the excluding school (unless they are employed as a Headteacher/Principal at another school)
 - Have, or at any time have had, any connection with the Trust, school, Advisory Group, parents or student, or the incident leading to the

exclusion, which might reasonably be taken to raise doubts about their impartiality

- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)
- 11.4 The panel must consider the interests and circumstances of the student, including the circumstances in which the student was permanently excluded, and have regard to the interests of other students and people working at the school.
- 11.5 Taking into account the student's age and understanding, the student or their parents will be made aware of their right to attend and participate in the review meeting and the student should be enabled to make representations on their own behalf, should they desire to.
- 11.6 Where a SEND expert is present, the panel must seek and have regard to the SEND expert's view of how SEND may be relevant to the student's permanent exclusion.
- 11.7 Where a social worker is present, the panel must have regard to any representation made by the social worker of how the student's experiences, needs, safeguarding risks and/or welfare may be relevant to the student's permanent exclusion.
- 11.8 Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the Headteacher/Principal in the lead up to the permanent exclusion, or are relevant to the student's permanent exclusion.

Following its review, the independent panel will decide to do 1 of the following:

- Uphold the Suspensions and Exclusions Committee's decision
 - Recommend that the Suspensions and Exclusions Committee reconsiders reinstatement
 - Quash the Suspensions and Exclusions Committee's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)
- 11.9 New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.
- 11.10 In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the Suspensions and Exclusions Committee at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the Suspensions and Exclusions Committee and that it ought to have considered if it had been acting reasonably.

- 11.11 If evidence is presented that the panel considers it is unreasonable to expect the Suspensions and Exclusions Committee to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the Suspensions and Exclusions Committee reconsider reinstatement.
- 11.12 The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.
- 11.13 Once the panel has reached its decision, the panel will notify all parties in writing without delay.
- 11.14 This notification will include:
- The panel's decision and the reasons for it
 - Where relevant, details of any financial readjustment or payment to be made if the Suspensions and Exclusions Committee does not subsequently decide to offer to reinstate the student within 10 school days
 - Any information that the panel has directed the school to place on the student's educational record

12.0 Remote hearings

- 12.1 Parents can request a meeting to be held via the use of remote access but this should not be a default option. The Suspensions and Exclusions Committee must hold the meeting via the use of remote access, if the request has been made correctly as set out in the Headteacher/Principal's written notification or the Suspensions and Exclusions Committee's written notification to the parents that they can request an IRP.
- 12.2 Holding meetings via remote access must only be done if the panel/Governance Manager are satisfied that the meeting is capable of being held fairly and transparently.
- 12.3 Remote access meeting duties

If a Suspensions and Exclusions Committee meets to consider and decide on reinstatement of a suspended or permanently excluded pupil either via the use of remote access, this must happen within 15 school days of receiving notice of a suspension or permanent exclusion from the Headteacher/Principal.

If an IRP meeting is to be held face to face or via the use of remote access, the Trust must take reasonable steps to identify a date for the review that all parties, and any SEND expert appointed to give advice, are able to attend or join. The review must begin within 15 school days of the day on which the

parent's application for a review was made (panels have the power to adjourn a hearing if required).

Where a parent does not request a remote meeting or does not state a wish either way, Suspensions and Exclusions Committee must hold the meeting in person, unless it is not reasonably practicable to do so in person for a reason related to extraordinary events or unforeseen circumstances such as an unforeseen school closure due to floods, fire or outbreak of infectious illness/disease.

If there are technological or internet network issues, during a meeting held via the use of remote access which compromises the ability for participants to be seen or heard or prevents the meeting from being held fairly and transparently and it is not reasonably practicable to resolve, a face to face meeting must be arranged by the Trust, despite the parent's request. This should be done without delay.

Social workers and VSHs must be allowed to join a meeting via the use of remote access, regardless of the format chosen, as long as the Suspensions and Exclusions Committee or IRP are satisfied that they will be able to participate effectively, they can hear and be heard (and see and be seen if participating by video) throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent.

Suspensions and Exclusions Committee and IRP's must:

- comply with relevant equalities legislation
- enable access to support which the parent is entitled to, including the presence of a friend
- Suspensions and Exclusions Committee and IRP's should ensure the following conditions are met for a meeting via remote access:
- confirm with all the participants that they have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, such as via a live video link
- ensure all the participants will be able to put across their point of view or fulfil their function
- ensure the remote meeting can be held fairly and transparently

12.4 Fairness and transparency during a meeting held via the use of remote access

The Suspensions and Exclusions Committee must assess whether a meeting can be held fairly and transparently via remote access with reference to the facts of each case.

If a Suspensions and Exclusions Committee is not satisfied that a meeting can be held fairly and transparently via remote access, they should consult with the parent to discuss how a face to face meeting can be arranged that will be convenient for them.

12.5 Guidance for Social Workers and VSHs

Should Social Workers or VSHs be joining a meeting that, as a whole, is taking place in person, they must be allowed to join via the use of remote access should they wish to do so.

12.6 Use of remote access during an extraordinary event or unforeseen circumstance

If there is a reason related to extraordinary events or unforeseen circumstances, which means that it is not reasonably practicable for a Suspensions and Exclusions Committee hearing or IRP to be held in person; then this meeting may be held using remote access even if the parent has not asked for the meeting to be remote.

The meeting may be held via the use of remote access, provided the Suspensions and Exclusions Committee are satisfied that all participants will be able to fully make representations and carry out their functions, each participant has access to the electronic means to allow them to hear and be heard and (where using a live video link) see and be seen, throughout the meeting; and the meeting is capable of being held fairly and transparently.

13.0 Data collection

- 13.1 All school use a variety of data information management systems (Bromcom/ Sims). Here we record all positive and negative behaviour points. The recording of points is not in itself a reward or consequence. The system is in place to ensure the appropriate and consistent application of rewards and consequences. This allows the Academy to have an accurate overview of the impact of this policy and associated strategies in promoting positive behaviours.

Appendix 1: Guidance on Offensive Weapons

The Academy / School has determined that, in addition to legislative guidance, any knife, irrespective of length, constitutes an offensive weapon and should not be brought into the Academy / School. In addition to knives; axes, BB guns, air guns, GATT guns, catapults, slings, etc., will also be deemed to be offensive weapons. Other types of offensive weapons will include lengths of pipe, bats, other blunt instruments, or items judged by the Headteacher or the Academy / School to be carried with the intention to inflict injury on another individual – this would include blades removed from pencil sharpeners, etc.

Screening, Searching and Confiscation

The Trust follows closely the guidance from the DfE:

Please refer to the DfE guidance 'Screening, Searching and Confiscation. Advice for Headteachers, staff and Governing Bodies'.

Where there are serious concerns that a student may have on their possession a contraband item, the Headteacher, or other designated member of staff may search a student, following the guidance below from the DfE:

“School staff can search a pupil for any item banned under the school rules, if the pupil agrees. Head teachers and staff authorised by them have a statutory power to search pupils or their possessions, without consent, where they suspect the pupil has certain prohibited items. The items that can be searched for under this power are knives or weapons, alcohol, illegal drugs and stolen items. School staff can seize any banned or prohibited item found as a result of a search or which they consider harmful or detrimental to school discipline.”

In addition to the practice identified in the DfE guidance, any item brought into the Academy / School with the intention of the item being sold or passed on to other students which, in the Headteacher's opinion will cause disruption to the Academy / School or be detrimental to Academy / School practice will be confiscated.

- Academy / School staff can confiscate any prohibited item found as a result of a search. They can also confiscate any item, however found, which they consider harmful or detrimental to Academy / School discipline.
- Staff should hand the confiscated item to reception as soon as possible and complete the necessary information to identify the item, the date it was confiscated, the name of the student and the member of staff's name. Staff must not give the confiscated item to another student to hand in and must not leave the item in an unsecure area at any time.
- Any item which staff consider to be dangerous or criminal i.e. drugs must be brought to the attention of a senior member of staff immediately.

- Where the Academy / School finds controlled drugs, these must be delivered to the police as soon as possible but may be disposed of if the Head Teacher thinks there is a good reason to do so.
- Where the Academy / School finds other substances which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.
- Where they find stolen items, these must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the Headteacher thinks that there is a good reason to do so.
- Where alcohol has been confiscated the Academy / School will retain or dispose of it. This means that the Academy / School can dispose of alcohol as they think appropriate (or return it to a parent/carer but this should not include returning it to the student).
- Where a member of staff finds tobacco, cigarette papers, lighters, matches they will be disposed of. These will not be returned to the student.
- Staff will also confiscate other prohibited as per the school's behaviour for learning policy.

Appendix 2: References

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#).

It is based on the following legislation, which outlines schools' powers to exclude students:

Section 51a of the Education Act 2002, as amended by the Education Act 2011

The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded pupils

Section 579 of the [Education Act 1996](#), which defines 'school day'

The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

[The Equality Act 2010](#)

[Children and Families Act 2014](#)

<https://traderotherham.co.uk/>

Appendix 3: What the law allows

Teachers can sanction pupils whose conduct falls below the standard which could reasonably be expected of them. This means that if a pupil misbehaves, breaks a rule or fails to follow a reasonable instruction, the teacher can apply a sanction on that pupil.

Staff can issue sanctions any time pupils are in school or elsewhere under the charge of a member of staff, including on school visits. This also applies in certain circumstances when a pupil's misbehaviour occurs outside of school including online conduct, other examples are:

- when taking part in any school-organised or school-related activity;
- when travelling to or from school;
- when wearing school uniform;
- when in some other way identifiable as a pupil at the school;
- that could have repercussions for the orderly running of the school;
- that poses a threat to another pupil; or
- that could adversely affect the reputation of the school

A sanction will be lawful if it satisfies the following three conditions:

- a) The decision to sanction a pupil is made by a paid member of school staff (but not one who the headteacher has decided should not do so) or an unpaid member of staff authorised by the headteacher;
- b) The decision to sanction the pupil and the sanction itself are made on the school premises or while the pupil is under the lawful charge of the member of staff; and
- c) It does not breach any other legislation (for example in respect of equality, special educational needs and human rights) and it is reasonable in all the circumstances.

In considering whether a sanction is reasonable in all circumstances, one must consider whether it is proportionate in the circumstances of the case and consider any special circumstances relevant to its imposition including the pupil's age, any special educational needs or disability they may have, and any religious requirements affecting them.

The Headteacher/Principal may limit the power to apply particular sanctions, or to sanction

particular pupils or types of pupils, to certain staff and/or extend the power to discipline to adult volunteers, for example to parents who have volunteered to help on a school trip

Appendix 4: Headteacher/Principal's checklist for suspensions (> 5 days in a term) and exclusions

Exclusion Guidance – Head Teacher's Checklist	Y e s	N o
On the balance of probabilities, has the pupil committed the alleged offence?		
Has there been a serious breach (one-off) or breaches of the school behaviour policy?		
Does allowing the pupil to remain in school seriously harm their education or health, safety and welfare, or that of others such as staff or other pupils in the school?		
Is this a 'last resort' decision following a wide range of strategies implemented from DfE's 'Behaviour in Schools' guidance that have been deemed unsuccessful?		
Has an internal head teacher audit been completed? (see toolkit 2a)		
Is suspension/exclusion the most appropriate response?		
Is the length of suspension/exclusion considered appropriate and proportionate considering the level and nature of the incident?		
Is this suspension for the shortest possible time?		
Has there been involvement from external services, Educational Psychologist, school support staff, and other agencies/services with a relevant, personalised support programme developed and implemented using assess, plan, do, review?		
Have alternatives to suspension/exclusion been considered? (e.g. restorative approaches, mediation, internal exclusion, alternative provision, off-site direction or managed move)		
<p>Factors to consider:</p> <ul style="list-style-type: none"> • Has the suspension/exclusion been considered 'in the heat of the moment'? • Has a thorough investigation been carried out? • Has the evidence been reviewed with full consideration being given towards policies and discrimination? • Has the pupil's version of events been heard - encouraged / considered / recorded? 		

<ul style="list-style-type: none"> • Are there any mitigating circumstances or is any provocation evident (bullying, harassment etc)? • Is the pupil a Child in Care? • Does the pupil have an EHC plan? • Does the pupil have a social worker? Have they been communicated to and involved in planning? 		
Special Considerations		
Have issues of SEN or disability been considered and reasonable adjustments made? (see Equality Act 2010)		
Does the pupil have an EHC plan? Has the EHC team been informed/involved?		
Does the pupil have caring responsibilities? (young carer status)		
Is this pupil a Child in Care? Or previously been a Child in Care?		
In the case of a Child in Care, have you contacted the appropriate Designated Teacher (statutory role) in your school, the pupil's social worker and the Virtual School Head to discuss?		
Is the Virtual School Team involved in supporting this pupil?		
Has the governor for Children in Care been informed/involved?		
Is this pupil subject to a Child in Need Plan or a Child Protection Plan?		
Where pupil has a social worker, have they been notified and invited to be involved in decisions made?		
Is there an Early Help Assessment and Support Plan in place?		
Have regular Team around the Family (TAF) meetings taken place to review the plan?		
Has a risk assessment been in place, reviewed and amended as necessary?		
If necessary, have you referred to Social Care? (MASH)		

Appendix 5: Audit for pupils at risk of permanent exclusion

This form is for a pupil who is at imminent risk of permanent exclusion.

Name of Pupil:		Total number of suspensions with reasons:	
Year group:		Total number of internal suspensions with reasons:	
LAC Yes/No	SEND K EHCP N/A	Details: (primary need and/or disability/medical need)	Free school meals Yes/No Pupil Premium Yes/No
Date Information is requested:			
Section 1 to be completed by Inclusion Lead and returned to Head teacher by:			

Current DfE exclusion guidance states that any decision to exclude, '*must be **lawful** (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention of Human Rights); **rational; reasonable; fair; and proportionate***'.

A decision to exclude a pupil permanently should be an acknowledgement by the school that it has exhausted all available management strategies for the pupil and should only usually be used as a last resort.

As a school we will have to demonstrate that we are already using a range of strategies to support pupils.

Your account below will help me decide what needs to happen next. In the event of a permanent exclusion, this form will be included in the evidence presented to members of the Governing Board, parents/carers, Local Authority and other relevant parties. In addition, it may be used to provide information for the LA Inclusion Panels to support future placement planning.

Section 1 – please provide as much detail as possible with evidence attached.
NB: Not all sections may be relevant to all pupils but a rationale should be provided where felt to be not applicable.

INTERVENTIONS TO DATE	DETAILS	IMPACT – LEVEL OF SUCCESS
Attendance information	Support/intervention if relevant	
Achievement points to date Behaviour points to date		
Reintegration Planning (Reintegration meetings and strategies developed) Documentation evident:	Meeting dates:	

<p><i>SMART targets set: What school will do to support and how?</i></p> <p><i>Have restorative conversations taken place and where applicable a programme of support implemented?</i></p> <p><i>Pupil and parent voice evident:</i></p> <p><i>Reviews of targets evident:</i></p> <p><i>Agreements signed and dated:</i></p>		
Risk Assessment (if applicable)	Date started: Review dates:	
Early Help Assessment	Date started: Date completed: Outcome of assessment:	
<p>Part-time Timetable</p> <p>All parties agreed</p> <p>Parental agreement signed</p> <p>Work set for when not in school</p> <p>Risk assessment completed for when not in school</p> <p>Free school meals provision</p> <p>Plan evident with SMART targets</p> <p>Reviews</p>	Date started: Review Dates:	
<p>SEND Support Plan,</p> <p>Evidence that the school has carried out a holistic assessment of the pupil's needs, set targeted outcomes, implemented appropriate strategies/provisions and reviewed progress</p>	Date started: Number of review cycles completed to date: Review dates:	
Alternative Provision	Dates: Outcome:	
EHC plan- Early/Emergency Review	Date held:	

	Change provision/placement requested?	
	Date sent to LA:	
Previous Statutory Governing Board Meeting/s for Suspensions over 15 days in a term Other Governor/ Behaviour panel meetings	Date held: Outcome and plan? Date held: Outcome and plan?	
Other External Support E.g., referral to SEMH outreach team Locality Partnership Panel (LLP) Off-site direction, Managed Move, referral to Primary Inclusion Panel	Dates:	
Have parents been clearly informed and involved in planning?	In what context?	
Have parents been signposted to relevant sources of support? SENDIASS, Parent Carer Forum, Exclusion Team etc.		
Completed by: Name: _____ Role: _____		

Section 2 - Graduated Response to be completed in detail, with evidence attached

Graduated response Social Emotional Mental Health (SEMH) phased thresholds		
Classroom strategies: Has the graduated response – universal been implemented?	<ul style="list-style-type: none"> Refer to graduated response. 	
In school strategies: Has the graduated response – targeted support been implemented?	<ul style="list-style-type: none"> Refer to graduated response. 	

Outside Agency Support Has the graduated response – Specialist been implemented?	<ul style="list-style-type: none"> Refer to graduated response. 	
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Section 3 - Pupil voice to be completed by pupil with adult support

Pupil's views for Headteacher's consideration
Using a strengths and difficulties questionnaire, or similar, work through each question WITH the pupil. Capture as much detail as possible taking into account the pupil's age and understanding. Support should be provided by parents, trusted adult in school/external or social worker. An example is provided at sdqinfo.org/py/sdqinfo/b3.py?language=Englishqz(UK)
Name:
Date of birth:
Name of adult supporting pupil to complete their views:
Document any difficulties shared: (Include <u>all</u> points raised by the pupil as this is their perception)

Appendix 6: Panel's Checklist

Exclusions Checklist for the Panel

Prior to Panel Hearing		
1.	You must check the attendees list and disclose immediately to the Clerk if the student, parents or the incident is known to you – you will be ineligible for the panel if you know the student or have knowledge of the incident	
2.	All attendees must receive all meeting documentation from the Clerk at least five school days prior to the hearing . Please consider all the information fully in advance of the meeting	
3.	Ask for guidance from the Clerk for anything relating to the legal process and remember to keep all details confidential. Do not discuss the details of the case with anybody else (including school staff). Any advice or further details required should be sought from the Clerk	
Key Considerations		
1.	Was the decision to exclude lawful, rational, reasonable, fair and proportionate?	
2.	Has there been a serious breach or persistent breaches of the behaviour policy AND do you believe that allowing the student to remain in school would seriously harm the education or welfare of the pupil or others?	
3.	Has the school considered alternatives to exclusion, such as a managed move?	
4.	Has a thorough investigation taken place?	
5.	Have witness statements been taken, including from the excluded student? If not, why not?	
6.	Have all witness statements been signed and dated?	
7.	Have the student and his/her family been properly notified of the exclusion and the hearing and had an adequate opportunity to represent themselves?	

8.	Has school considered all mitigating evidence before deciding to exclude? i.e. provocation, bullying, self-defense, bereavement, family history / circumstances, learning difficulties, social/emotional difficulties. Have governors received sufficient evidence of this?	
9.	Does the student have an Education, Health & Care Plan (EHCP) or have special educational needs without an EHCP? If so, can the school demonstrate they have followed their graduated response?	
10.	Are panel members satisfied that the exclusion was not based on any element of discrimination?	
11.	What has been done to tackle behavior and support the student's needs? i.e. staff reports, behaviour plans, pastoral support, personalised timetable, other agency involvement etc.	
12.	Have panel members been given sufficient information and opportunity to make the right decision? Both written submissions and oral testimony made at the hearing constitute evidence and may be taken into consideration	
13.	Has the school provided work for the first five days of the exclusion and had it marked?	

Appendix 7: Letter templates to parents/carers (provided by Rotherham LA for use in 2025/26)

Resources can be found on the **Trade Rotherham** page in **Resources under Access to Education** under **Exclusions Toolkit 2025-26**

<https://traderotherham.co.uk/>

Appendix 8: EX1 – for submitting to the Local Authority

Information on all suspensions should be reported to the Local Authority in order that data can be collected by the Department for Education.

Suspensions Online Form Link:

[School Suspension Notifications – Rotherham Metropolitan Borough Council](#)

This link can also be found on the **Trade Rotherham** page in **Resources** under **Access to Education** under **Online Forms**.

Permanent Exclusions Online Form Link:

[Permanent exclusions – Rotherham Metropolitan Borough Council](#)