



**Jacksdale Primary School & Nursery**

# **SUSPENSION POLICY**

Reviewed: January 2024

Next review due: January 2026

At Jacksdale Primary & Nursery School, we understand that good behaviour and discipline is essential for promoting a high quality education. Our school ethos and behaviour policy is based around 'Kindness', 'Respect' and 'Safety'.

Amongst other disciplinary sanctions, the school recognises that Suspension of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils should only be used as a means of last resort.

The school has created this policy to clearly define the legal responsibilities of the headteacher, governing board and LA when responding to pupil Suspensions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

This policy also aims to secure a pupil's right to an education despite having been Suspended, by ensuring that appropriate arrangements are in place.

## **Legal framework**

This policy has due regard to the related statutory legislation including, but not limited to, the following:

- The Education Act 2002
- The School Discipline (Pupil Suspensions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education Act 1996
- The Education (Provision of Full-Time Education for Suspend Pupils) (England) Regulations 2007
- The European Convention on Human Rights (ECHR)
- The Equality Act 2010

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2023) School suspensions and permanent exclusions
- DfE (2017) 'Suspension from maintained schools, academies and pupil referral units in England'
- DfE (2016) 'Behaviour and discipline in schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

This policy will be implemented in conjunction with the following school policies and procedures:

- Behaviour Policy
- Anti-Bullying Policy
- Special Educational Needs and Disability (SEND) Policy
- Child Protection and Safeguarding Policy
- KCSIE September 2023

## **Roles and responsibilities**

The governing board is responsible for:

- Providing information to the Secretary of State and LA about any Suspensions within the last 12 months.
- Arranging suitable full-time education for any pupil of compulsory school age Suspend on a fixed-term basis.
- Considering parents' representations about Suspensions within 15 school days of receiving notice if the appropriate requirements are met.
- Where an Suspension would result in a pupil missing a public examination or test, considering the Suspension before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.

- Considering the interests and circumstances of the Suspend pupil, including the circumstances in which they were Suspend, and have due regard to the interests of others at the school.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to an Suspension.
- Notifying the pupil's parents, the headteacher and LA of its decision and the reasons for it, without delay.

The headteacher is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential Suspensions.
- Applying the civil standard of proof when establishing the facts in relation to an Suspension.
- Complying with their statutory duties in relation to pupils with SEND when administering the Suspension process, as outlined in the Special Educational Needs and Disability (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, bullying or has a mental health issue.
- Considering the use of an EHAF for a pupil who demonstrates persistent disruptive behaviour, with the possibility of referring to the EHU (Early Help Unit) for further agency support and guidance – or the SBAP to request support from the Behaviour Lead.
- Reviewing the effectiveness of Suspensions as a sanction, e.g. if a pupil has received multiple Suspensions or is approaching the legal limit for Suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, eligible for FSM and LAC.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be Suspended on disciplinary grounds.
- Ensuring any decision to Suspend is lawful, rational, reasonable, fair and proportionate.
- Making the decision to Suspend based on the evidence available at the time.
- Notifying a pupil's parents without delay where the decision is taken to Suspend the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours – this will be shared in a letter given to parents which also outlines the reasons for the Suspension.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the governing board and LA of their decision to Suspend a pupil (through the use of Nottinghamshire County Council's agreed Suspension form).
- Notifying the governing board once per term of any Suspensions not already notified – evidence within the Head Teachers written report to Governor's which is presented to the board at Full Governor meetings.
- Organising suitable work for Suspend pupils where alternative provision cannot be arranged.

# 1. Grounds for Suspension

- 1.1. The school will only Suspend a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour Policy, have failed to be successful.
- 1.2. The following examples of behaviour may underline the school's decision to Suspend a pupil:
  - Any incident which poses a risk to other pupils or members of staff, e.g. bringing a weapon onto the premises / threatening behaviour
  - Any incidents which breach the law
  - Persistent and severe bullying
  - Unprovoked verbal and / or physical abuse
  - Constant disruption
  - A single, serious and major incident, e.g. serious assault on another individual leading to injury / intentional destruction of property
- 1.3. Pupils can be Suspended on a fixed-period basis, i.e. up to 45 school days within a year, or permanently. Similarly, pupils can be permanently Suspended following a fixed-period Suspension, where further evidence is presented.
- 1.4. In all cases, the headteacher will decide which Suspension period a pupil will be subject to, depending on what the circumstances warrant.
- 1.5. The school has the power to direct a pupil off-site to improve their behaviour and this is outlined within the school's behaviour policy. An agreement is in place with Brinsley Primary School should an external school isolation be appropriate. A staff member shall be nominated to attend the school isolation with the pupil and it is parent / carer responsibility to take and collect the pupil from the partner school.

## **The headteacher's power to Suspend**

- 1.6. Only the headteacher has the power to Suspend a pupil from the school, and is able to decide whether this is on a fixed-period or permanent basis. All Suspensions will only be issued on disciplinary grounds. In the absence of the headteacher, the deputy headteacher will discharge these duties.
- 1.7. The headteacher is able to Suspend pupils from the premises where their behaviour is disruptive during lunchtime. All lunchtime Suspensions will be counted as half of a school day.
- 1.8. The headteacher is able to consider a pupil's disruptive behaviour outside of the school premises as grounds for Suspension, in accordance with the school's Behaviour Policy.
- 1.9. All Suspensions will be formally recorded on the MIS (Scholarpack) and a copy of the Suspension letter shall be placed in the pupil file.
- 1.10. When sending a pupil home following any Suspension, the headteacher will ensure that they exercise their duty of care at all times and will always inform the parents.

1.11. The headteacher will apply the civil standard of proof when responding to the facts relating to an Suspension, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

## **Factors to consider when excluding a pupil**

1.12. When considering the Suspension of a pupil, the headteacher will:

- Allow the pupil the opportunity to present their case.
- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the pupil has received multiple Suspensions or is approaching the legal limit of 45 Suspension days per school year, and whether Suspension is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.

1.13. The headteacher will consider what extra support may be available for vulnerable pupil groups whose Suspension rates are higher, to reduce their risk of Suspension, including the following:

- LAC
- Pupils eligible for FSM
- Pupils with SEND

1.14. The headteacher will consider avoiding permanently excluding LAC pupils, those with SEMH issues or pupils with an EHC plan, though fixed term suspensions may still be used in relation to children involving these factors, in line with the school's behaviour policy..

1.15. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the headteacher who will instigate an EHAF to determine whether the behavioural issues might be as a result of educational, mental health or other needs and vulnerabilities. The full assessment procedures are outlined in the school's

1.16. The headteacher will work in conjunction with the parents of any pupil with additional needs, to establish the most effective support mechanisms.

## **2. Duty to inform parents**

2.1. Following the headteacher's decision to Suspend a pupil, they will immediately inform the parents, in person or by telephone, of the period of the Suspension and the reasons behind this.

2.2. The headteacher will inform the parents in writing of the following:

- The reason(s) for the Suspension

- The length of the fixed-period Suspension or, for a permanent Suspension, the fact that it is permanent
  - Their right to raise any representations about the Suspension to the governing board, including how the pupil will be involved in this and how the representations will be made
  - Their right to attend a meeting where there is a legal requirement for the governing board to consider the Suspension, and the fact that they are able to bring an accompanying individual
  - The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
  - Relevant sources of free, impartial information
- 2.3. Where the pupil is of compulsory school age, the headteacher will inform the parents by the end of the afternoon session that:
- For the first five days of the Suspension (or until the start date of any alternative provision or the end of the Suspension where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.
- 2.4. Where the headteacher has arranged alternative provision, they will also inform the parents of the following:
- The start and end date for any provision of full-time education
  - The address at which the provision will take place
  - Any information necessary for the pupil to identify the person they should report to on the starting date
- 2.5. If the headteacher has decided to Suspend the pupil for a further fixed period following their original Suspension, or to permanently Suspend them, they will notify the parents without delay and issue a new Suspension notice to parents.

### **Duty to inform the governing board and LA**

- 2.6. The headteacher will inform the governing board and LA, without delay, of the following:
- Any permanent Suspensions
  - Any fixed term Suspensions
- 2.7. All notifications to the governing board and LA will include the reasons for Suspension and the duration of any fixed-period Suspension.

### **3. Arranging education for Suspend pupils**

- 3.1. For any fixed-period Suspensions of more than five school days, the governing board will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of Suspension.
- 3.2. Where a pupil receives consecutive fixed-period Suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of Suspension.

3.3. For permanent Suspensions, full-time education will also be provided for the pupil from the sixth day of Suspension.

#### **4. Considering Suspensions**

4.1. The governing board will consider any representations made by parents in regard to Suspensions.

4.2. Parents and, where requested, a friend or representative, the headteacher and a member of the LA will be invited to attend any consideration of Suspensions and will be able to make representations.

4.3. Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

4.4. In the case of a fixed period Suspension, where the pupil's total number of Suspend school days does not amount to more than five, in the absence of any such representations, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

## Reviewing the Headteacher's Suspension Decision

