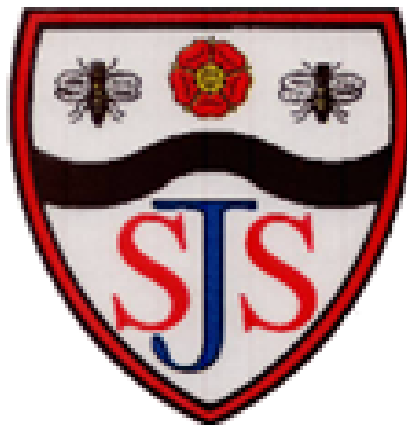


Shadsworth Junior School

Suspension and Permanent Exclusion Policy



Approved by:

Jackie Gallagher

Date:

Last reviewed on:

Autumn 2023

Next review due by:

Autumn 2025

- An attachment of the Behaviour Policy

The Headteacher must maintain discipline and good conduct to secure an orderly learning environment. In furtherance of this, the Headteacher has the right to suspend children from school at their discretion, either temporarily or permanently.

Only the Headteacher of a school can suspend a pupil and this must be on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently.

A fixed-period suspension does not have to be for a continuous period.

A fixed-period suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period.

The legal requirements relating to suspension, such as the Headteacher's duty to notify parents, apply in all cases.

Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a governing board meeting is triggered.

The law does not allow for extending a fixed-period suspension or 'converting' a fixed-period suspension into a permanent suspension. In exceptional cases, usually where further evidence has come to light, a further fixed-period suspension may be issued to begin immediately after the first period ends; or a permanent suspension may be issued to begin immediately after the end of the fixed period.

The behaviour of a pupil outside school can be considered grounds for suspension.

The Headteacher may withdraw a suspension that has not been reviewed by the governing board.

Any decision of a school, including suspension, must be made in line with the principles of administrative law, i.e. that it is: lawful (concerning the legislation relating directly to suspensions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair; and proportionate.

The Headteacher must take account of their legal duty of care when sending a pupil home following suspension.

When establishing the facts in relation to a suspension decision the Headteacher must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond a reasonable doubt.' This means that the Headteacher should accept that something happened if it is more likely that it happened than that it did not happen.

Under the Equality Act 2010 (the Equality Act), schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices and the provision of auxiliary aids.

In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not; and
- foster good relations between people who share a protected characteristic and people who do not share it.

These duties need to be complied with when deciding whether to suspend a pupil. Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of suspension.

Provisions within the Equality Act allow schools to take positive action to deal with particular disadvantages, needs, or low participation affecting one group, where this can be shown to be a proportionate way of dealing with such issues.

The Headteacher and governing board must comply with their statutory duties about SEN when administering the suspension process. This includes having regard to the SEND Code of Practice.

It is unlawful to suspend for a non-disciplinary reason. For example, it would be unlawful to suspend a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a pupil's parents; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. However, a pupil who repeatedly disobeys their teachers' academic instructions could, be subject to suspension.

'Informal' or 'unofficial' suspensions, such as sending a pupil home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any suspension of a pupil, even for short periods, must be formally recorded.

Maintained schools have the power to direct pupils off-site for education to improve their behaviour.

A pupil at any type of school can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents and the admission authority of the school. However, the threat of suspension must never be used to influence parents to remove their child from the school.

DfE Guidance Document: Suspension and permanent suspension from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools, academies, and pupil referral units in England August 2024

Refer to: [Suspension and permanent suspension guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

For further Guidance on

- The Headteacher's power to suspend
- The Headteacher's duty to inform parties about a suspension
- The governing board's and local authority's duties to arrange education for suspended pupils
- The governing board's duty to consider a suspension
- The governing board's duty to remove a permanently suspended pupil's name from the school register

The local authority's duty to arrange an independent review panel

- The duties of independent review panel members, the clerk, and the SEN expert in the conduct of an independent review panel
- The governing board's duty to reconsider reinstatement following a review
- The local authority's role in overseeing the financial readjustment/payment
- Statutory guidance to the Headteacher, governing board, and independent review panel members on police involvement and parallel criminal proceedings