



## **Suspension Policy**

<b>Last Update</b>	<b>October 2023</b>
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## **Suspension Policy**

*This policy should be read alongside our Behavior Policy, including Rewards and Sanctions.*

At Old Farm School, we provide inclusive, inspirational education and care. This creates positive, life changing experiences, countless stories of success and excellent outcomes for students. We value diversity and equality of opportunity, creating an environment in which students, parents, carer's and staff are treated fairly and with respect.

### **Our school is inclusive. We have specialist teams, resources, policies and procedures in place to:**

- secure the day to day health, safety and well-being of everyone in our school community;
- support students to achieve and succeed by maintaining an environment where learning can take place;
- use a range of strategies to promote positive attitudes, behaviour and appropriate conduct.

We know that learning and development take place more effectively and rapidly when students are in school. However, there may be occasions when it is not in someone's best interests to be in school for a short period of time and the Head Teacher may make a decision to suspend a student.

### **What is suspension?**

Suspension means that a student is not allowed to attend school and must remain at home during school hours, under the supervision of a parent or carer.

### **There are two types of suspension:**

- Suspension: the use of the term suspension in this policy refers to a suspension for a fixed period of time. A pupil can be suspended for one or more fixed periods (up to a period of 45 days in an academic year).
- Permanent Exclusion: is when a student is not allowed to return to school and their name will be removed from the school roll or Admission Register.

### **Who can suspend?**

Suspension can only be authorised by the Head Teacher. In their absence, the Head Teacher can delegate the decision to the Deputy Head Teacher or another senior leader. Any decision to suspend a student must be discussed by the Head Teacher with the Directors before proceeding. This process enables a period of reflection and discussion about suitable, inclusive alternatives.

### **Reasons for suspension**

Keeping everyone in school safe sometimes means that a student will need to be removed from a situation or suspended from school.

Old Farm school has provision for pupils with complex needs, including social and mental health needs often linked to attachment and ACEs (adverse childhood experiences) and autism. Some pupils may have additional learning needs or developmental delay. Behaviour and incidents will always be considered in context, including determining the degree of intent, premeditation and understanding. We assess and admit pupils on the basis of understanding and providing for the above needs including behaviours that challenge, and use incident review processes and analysis as a tool for identifying further supportive strategies and provision.

Therefore, we only use suspension as a last resort in exceptional circumstances. Sometimes this is the only suitable response available to a Head Teacher if all other internal strategies and approaches in our Behaviour Policy have been exhausted or will not be appropriate.

A decision to suspend will usually be taken if allowing a student to remain in school would:

- cause serious harm to the health, safety or welfare of others in the school;
- cause serious harm to the education of the student or others within the school.

Suspension is an absolute last resort. The following examples of unacceptable or dangerous conduct may lead to suspension:

- premeditated physical assault, serious actual or threatened violence against others;
- misuse, supply, or intent to supply drugs or alcohol in school;
- carrying or use of an offensive weapon\* in school;
- fire starting or arson;
- serial bullying
- racist abuse
- abuse against sexual orientation or gender reassignment
- abuse relating to disability

There may be other situations where the Head Teacher decides that suspension is the only appropriate action and sanction.

*\* Offensive weapons are defined in the Prevention of Crime Act 1953 as “any article made or adapted for causing injury to the person; or intended by the person having with him for such use by him”*

### **Procedure for suspension for a fixed term**

- The Head Teacher will review all available evidence, speak to all concerned, including the pupil, before reaching a decision to suspend. Unless doing so would cause unnecessary delay or present serious risk of harm, the Headteacher should consult with the Director to ensure wider support options and strategies have been considered.
- The Head Teacher should consider all the relevant facts and verified evidence to support the allegations made and take into account the policy on equal opportunities and whether any incidents were provoked by racial or sexual harassment.
- Parents/ Carers will be contacted immediately to discuss the situation and reasons for suspension.
- Where the pupil has a social worker, or the pupil is Looked-after, the Head Teacher must, without delay after their decision, notify the social worker and/or VSH (Virtual School Headteacher), as applicable.
- A letter will be sent to Parents/ Carers and the Local Authority commissioner giving details of the suspension, length and date the suspension will end. The letter will remind Parents/ Carers that for the first five days of any suspension, they are legally responsible for the whereabouts of their child. If their child is found in a public place during school hours, they could be issued with a

penalty notice. Parents/ carers can designate a responsible adult, for example, an Aunt, to fulfil this duty.

- The suspension letter will provide information about the right to challenge a decision and how to make representation about the decision to the Directors, using the 'Complaints and Representations Policy and Procedure'.
- Reasonable steps will be taken to set and mark work for the first five days of suspension.
- Any suspension should be recorded on the student's file and attendance register.
- From the sixth day of a suspension, the School will provide suitable education in a place of learning, which may not be on the School premises.
- Any pupil who is suspended will have their safety plan amended so that ongoing strategies and support can be considered to manage risks appropriately and reduce risk of placement breakdown.
- In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion or decision to end a placement may be issued to begin immediately after the end of the suspension.
- The Headteacher will not postpone taking a decision on a suspension and permanent exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the Head Teacher will need to take a decision on the evidence available to them at the time.

### **Return to School Meeting**

- A Return to School Meeting will be held at the end of the fixed-term suspension period.
- The meeting will be attended by the Head Teacher, the Parents/ Carers and the student, and where possible a representative from the Old Farm school safeguarding.
- An integrated and multi-disciplinary approach should be considered where there are ongoing concerns about placement due to presentation. This should be via an internal provision review, supported by the SLT, Safeguarding Lead, counselling teams where appropriate and overseen by the Director.
- Strategies will be agreed to support a smooth and appropriate return to school.
- It is best practice to review the situation leading to suspension with the student and discuss how they could have managed things differently. Staff will identify supportive and restorative mechanisms to help the student with modifying their behaviour and avoiding the need for further suspension. Adaptations to risk assessments where this may include a more restrictive approach due to safety concerns should also be discussed.

### **The Procedure for Permanent Suspension**

- The Head Teacher should follow the steps outlined in the process for suspension for a fixed term above, setting out clearly that permanent exclusion is being considered due to serious and/ or persistent breaches of the school's policies.
- Where there have been multiple previous suspensions, then the Head Teacher will have ensured regular communication with Parents/ Carers and local authority professionals about potential next steps.
- The Head Teacher will discuss the rationale with the Director and follow the school protocols for ending placements before the decision is made or communicated to Parents/ Carers and the Local Authority.

- The suspension letter will provide information about the right to challenge a decision and any right to appeal through the Old Farm School Complaints Policy. The letter will contain the name and contact details of the appropriate Director with whom an appeal can be lodged.

### **Terminating a Placement at our School**

In rare circumstances, the Head Teacher and other professionals in the team around the child might agree that the school can no longer meet the needs of a pupil. Sometimes a child's needs and personal situation may change significantly, leading them to require a quite different type of provision. In these situations, suspension is not usually considered but a well-managed placement move might be appropriate.

Professionals' meetings will take place, where possible including Parents/ Carers. Potential next steps will be agreed with the Local Authority, which will likely include an early annual review to discuss change of SEN needs and ensure updated EHCP outlines for potential future providers. Either Old farm School or the Local Authority may give notice to terminate the placement. If a placement move is considered to be in the best interests of the young person, then giving formal, written notice to the relevant Local Authority is usually a final decision. Fundamentally this process will be managed with all relevant parties' involvement to ensure a supportive move from the school.

During this time, the Head Teacher will try to maintain a full-time programme of education for the student. If this is not possible, then work will be provided, remote learning or alternate provision may be put in place, depending on individual risks and needs.

### **References and Legal Context**

- The Education Act 2002, as amended by the Education Act 2011
- Suspension and Permanent Suspension from maintained schools, academies and pupil referral units in England, including pupil movement. Sept 22
- Behaviour in schools, advice for Head Teachers and school staff Sept 2022
- The Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Suspended Pupils) (England) (Amendment) Regulations 2014
- Human Rights Act 1998, as amended by the Human Rights Act 2004
- Race Relations Act 1976, as amended by the Race Relations Act 2010
- Equality Act 2010
- Suspension from Maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to suspension (Department for Education 2012; updated 2017)
- Part 3, Para 9 and Suspension element of Part 6 (24) (3)a of the Education (Independent School Standards Compliance Record) 2014 (England (Amendment) Regulations.
- the Education Act 2002, as amended by the Education Act 2011;
- the School Discipline (Pupil Suspensions and Reviews) (England) Regulations 2012
- School behaviour policy
- Keeping Children Safe in Education 2022, and the school Child Protection Policy and Procedures