

STATES OF JERSEY



SCHOOL SUSPENSIONS (S.R.7/2010) – RESPONSE OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE

**Presented to the States on 28th July 2010
by the Minister for Education, Sport and Culture**

STATES GREFFE

**SCHOOL SUSPENSIONS (S.R.7/2010) –
RESPONSE OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE**

Ministerial Response: S.R.7/2010
Review title: School Suspensions

Scrutiny Panel: Education and Home Affairs Panel

Introduction (*Overall reaction to the Report*):

I would like to convey my thanks to the Education and Home Affairs Scrutiny Panel for undertaking this review. The report is constructive and its recommendations will be considered along with the recommendations contained in the separate Review of Inclusion commissioned by the Department and undertaken independently. There are, however, three points which I would wish to make about the review.

Firstly, it seems that insufficient consideration has been given by the Panel to the part school governors play in the suspension process. It is not apparent from the report whether or not school governors were consulted. If that was not the case then a significant opportunity was missed because governing bodies have a major role to play in the development and application of a school's policy on discipline. The head teacher has a responsibility to develop and agree, with the Governing Body, a clear policy on the standards of behaviour that are expected of pupils, how to provide these standards and how to tackle unacceptable behaviour. The head teacher must also report to the Governing Body any suspensions and exclusions of pupils and the Governing Body must ensure that such suspensions are in accordance with the requirements laid down in Article 36(2) of the Education (Jersey) Law 1999. In the new policy on suspensions, the Governing Body also has a major part to play in the appeals process.

Secondly, it is surprising that the Panel has not acknowledged in its key findings that, whilst head teachers have the authority to permanently exclude a pupil, subject to the agreement of the Director for Education, Sport and Culture and the Governing Body, permanent exclusion over many years has been rare. Furthermore the overall statistics on fixed term suspensions in the Island do not indicate that Jersey faces any more of a problem in this respect than other jurisdictions.

Thirdly, I am confident that the report fully recognises the significant contribution that dedicated head teachers and teachers make in supporting all young people in the school environment. Making provision for some of our more challenging and often vulnerable pupils requires our teachers to be patient, caring, resourceful and inspiring. Teaching is a challenging job and I am confident, from what I see across our service, that our schools do a good job.

One particularly important point that does come through from the report is the fact that the successful education of a child is dependent on a partnership between pupil, parents and the school where each fulfils their responsibilities.

Findings

	Findings	Comments
1	<p>Finding 1:</p> <p>There is evidence that the suspension policy has not always been applied consistently. The Sub-Panel therefore welcomes the new policy, which is far more comprehensive than the existing policy. The new policy helps to fill some of the gaps in communication and guidelines that exist in the current suspension policy. [Section 6]</p>	<p>Elements of the new policy have already been implemented. Some further modifications will be made as a result of the scrutiny process. The new policy will be fully implemented in September 2010.</p>
2	<p>Finding 2:</p> <p>The Sub-Panel acknowledges that the Department of Education, Sport and Culture already collects suspension data internally. However, the production of publicly available annual statistics documenting the number of suspensions that have occurred during each school year would increase transparency and enable both individual schools and the Department to pick up any trends in suspension figures relating to factors such as race, bullying or family issues. The Sub-Panel appreciates that providing public suspension statistics broken down by individual schools may have negative implications for students' education at certain schools. It is therefore not believed necessary for these statistics to name schools individually. However, they should provide comprehensive data on the generic suspension figures for any given year. A good example of the format of this data would be the Scottish Government's annual publication, in which statistics</p>	<p>The department supports the Panel's view providing public suspension statistics broken down by individual schools may have negative implications. The department publishes data about the performance of the whole system and uses more detailed information about individual schools to monitor trends, support and challenge.</p> <p>It is not clear how further public publication would assist schools and the Department to pick up any trends however it is important that schools are challenged and held to account for their performance.</p> <p>Suspension data, along with other performance data, is regularly reviewed by ESC and made available to Professional Partners whose role it is to challenge schools and to support them in developing their educational provision.</p>

	are provided by sector - for example primary, secondary and special schools. [Section 7]	
3	<p>Finding 3:</p> <p>Anecdotally, it would appear that there has not been enough training for teachers on the application of the suspension policy. This situation needs to be addressed with the introduction of the new suspension policy as a matter of urgency. [Sections 8.1–8.3]</p>	<p>Qualified teachers are trained to manage pupil behaviour. However it is recognised that many teachers feel they benefit from additional training.</p> <p>It is unclear why there would need to be training for teachers on the application of the suspension policy, as teachers do not apply the policy. Each school’s senior management team and Governing Body, if one exists, need to be fully aware of the policy. However, only the head teacher has the power to suspend. Head teachers have been given the opportunity to discuss the implications of the new policy for their schools. There is an expectation that head teachers will brief their Governing Bodies on their responsibilities in this respect.</p>
4	<p>Finding 4:</p> <p>Differences in terms of school demographics, student and parent involvement means consistency in applying the current suspension policy is difficult to ensure. [Sections 8.4–8.11]</p>	<p>System-wide policies need to take account of the fact that each school is unique. However, the new policy will support all schools through the process of suspension where that is necessary and as such will provide a greater degree of consistency across the system. Parental involvement at an early stage is crucial if schools are to successfully support all pupils.</p>
5	<p>Finding 5:</p> <p>The Sub-Panel is concerned by comments from some teachers regarding disruptive students taking up too much teaching time. The Sub-Panel sees nurturing students as key to a teacher’s role. [Sections 8.26–8.27]</p>	<p>The Department agrees that nurturing pupils is a key aspect of the teacher’s role.</p>
6	<p>Finding 6:</p> <p>The implementation of suspensions appears to be too</p>	<p>The Department sees no evidence to support this conclusion. The evidence, in fact,</p>

	frequently dictated by the limitation of resources available, rather than what is in the best interests of the student. [Sections 8.28–8.29]	illustrates that schools work hard to ensure that students remain in their mainstream schools and that suspension is most frequently used as a last resort.
7	Finding 7: Suspensions can provide an opportunity for reflection and re-evaluation on the part of parents and pupils and highlight an issue that the parent may not have previously been aware of. However, when students are continually receiving suspensions and are missing out on large periods of their education, this is not appropriate. In these cases serious consideration needs to be given to the suspended student and the focus should be on finding a solution that works, as in these instances, suspensions are not providing that mechanism. [Sections 8.30–8.32]	The Department agrees that a period of suspension can provide an opportunity for reflection. However, learning effectiveness is often lost well before the point of suspension. New IT arrangements for collating data will highlight repeated incidents quickly and schools will be able to use this information for appropriate and proactive interventions such as Personal Behaviour Plans to be developed.
8	Finding 8: The process for issuing work during periods of suspensions needs to be improved and standardised across all schools. The Sub-Panel was pleased to note that this was recognised as an area for improvement by the Department of Education, Sport and Culture and commends the provision of an alternative location for looked after children who are suspended from school. [Sections 9.1–9.9]	Homework is addressed in the new policy. It is reassuring that the Panel has recognised the effectiveness of the separate provision for looked after children during periods of suspension and the efforts that have been made to meet their individual needs.
9	Finding 9: High levels of parental support are vital to the success of the suspension process. [Sections 10.1–10.14]	Agreed – Parental support is crucial.

10	<p>Finding 10:</p> <p>The policy on contacting parents regarding the issuing of suspensions has not always been implemented consistently. [Sections 10.1–10.14]</p>	<p>Schools have been advised of their responsibilities in this respect. Expectations are set out clearly in the new policy.</p>
11	<p>Finding 11:</p> <p>Parents may be reluctant to exercise their rights, or may be unaware of them. Some parents may also be intimidated by schools and too daunted to challenge professionals on issues to do with their child's education. As such, a service that helps parents to understand their rights and responsibilities would be one way of avoiding relationships becoming legalistic and confrontational. [Sections 10.15–10.18]</p>	<p>Parents' rights and responsibilities are set out clearly in the new policy and It is the responsibility of schools to ensure that parents are made aware of these.</p> <p>Each school has a process which enables parents to discuss concerns with an appropriate member of staff and, where a school has a governing body, parents are made aware of their right to make a representation to the governors. Where there is no governing body, parents may address any concerns to the Department.</p> <p>Parents may choose to have someone support them in their dealings with a school. It is unclear from the recommendation who would actually provide an advocacy service for parents.</p>
12	<p>Finding 12:</p> <p>It is clear that Jersey's current education structure, which includes States secondary schools, States fee-paying secondary schools, and private secondary schools, means that the States secondary schools are required to work with the majority of students with behavioural or learning difficulties. The Sub-Panel hopes that this issue will be considered during the Department of Education, Sport and Culture's review into the Island's secondary education system. [Sections 11.1–11.14]</p>	<p>This will be considered in the context of the Department's review of the Island's secondary school system.</p> <p>The current structure supports students of all abilities and special provision has been made within the States Education system for those in need of extra help.</p>

13	<p>Finding 13:</p> <p>It is of concern to the Sub-Panel that despite Jersey College for Girls and Victoria College receiving States funding, problematic students may still be transferred to States secondary schools. The head teachers of these schools suggested that such transfers were often in the best interests of these pupils. This is not acceptable as the schools are opting out of working with students that the States secondary schools then have a requirement to educate. This suggests that the States fee-paying secondary schools are not fully meeting their duty of care to such students. [Sections 12.1–12.4]</p>	<p>Pupils transfer between the fee-paying and non fee-paying for a range of reasons. The Department does not accept that there is any evidence to support the view that States fee-paying schools are not fully meeting their duty of care to all their students. The evidence is that these schools, along with the other provided schools, work hard to support all their pupils.</p>
14	<p>Finding 14:</p> <p>A range of provisions exist within the education system to meet a variety of needs. It is essential for the student and their family to be central in the consideration of any moves between schools. [Sections 12.5–12.12]</p>	<p>Agreed – The needs of the pupil are the central factor in determining the most appropriate school placement.</p>
15	<p>Finding 15:</p> <p>The Sub-Panel fully supports the recommendation from the Serious Case Review for school staff to receive training to assist with the identification of difficult behaviour as a symptom of distress. [Sections 13.1–13.12]</p>	<p>All teachers receive induction training on dealing with challenging behaviour. A full training programme on seeing difficult behaviour as an indicator of distress is underway.</p>
16	<p>Finding 16:</p> <p>Depending on their condition, suspending students with special educational needs could have severe implications. However, the Sub-Panel is concerned that</p>	<p>The Department and schools are fully aware of the impact of suspending pupils with special needs. As emphasized at the scrutiny hearings, pupils are not suspended because they have a special need. Pupils who face</p>

	<p>the statistical information provided did not enable us to establish whether students with special educational needs within mainstream schools are suspended. The Sub-Panel would condemn the suspension of students for behaviour that is a result of any special educational needs. Such students require help and support to meet their needs, not suspension. [Sections 14.1–14.22]</p>	<p>suspension do so because their behaviour warrants such a sanction. However, a pupil who has a special need may well be suspended if the behaviour of the pupil places other people in the school at risk. In such circumstances, support is provided to help the pupil understand the impact and consequences of their behaviour.</p>
17	<p>Finding 17:</p> <p>The Sub-Panel welcomes the fact that during the course of its review the Department of Education, Sport and Culture has put forward plans to open a small dedicated unit specifically for students with an Autistic Spectrum Disorder. [Sections 14.21–14.22]</p>	<p>This facility will provide more broadly for pupils with both social communication and emotionally-based difficulties.</p>
18	<p>Finding 18:</p> <p>Any reluctance to diagnose learning or behavioural difficulties due to funding implications is completely unacceptable. [Sections 15.1–15.12]</p>	<p>Modern educational thinking suggests that it is more important to address the specific needs of the child rather than focusing on the need for any particular diagnosis. Furthermore the downside of such diagnosis can sometimes be stigmatisation.</p>
19	<p>Finding 19:</p> <p>Significant work needs to be undertaken in the Island involving parents and professionals to remove any stigma associated with obtaining a diagnosis of any special educational need. [Sections 15.1–15.12]</p>	<p>The negative implications of labelling children are well known. Hence the approach of the Department and schools is to respond to the behavioural issues to be addressed rather than the attached label. The Department works closing with other agencies in this respect.</p>
20	<p>Finding 20:</p> <p>Numerous parents outlined how appreciative they were of CAMHS and the service it provides and the Sub-Panel</p>	<p>Agreed.</p>

	wishes this to be noted. [Sections 16.1–16.6]	
21	Finding 21: MAST seems to function well, but communication would be improved with the introduction of primary mental health workers. [Sections 16.1–16.8]	The MAST approach is still in its infancy. Whilst there are no plans at present to introduce primary mental health workers there are plans to provide for closer working with schools.
22	Finding 22: There is a demonstrable benefit in introducing social workers to the Island’s secondary schools. [Sections 16.9–16.11]	Social workers are currently being appointed to the remaining secondary clusters.
23	Finding 23: Police liaison officers played a valued and positive role in the Island’s secondary schools. [Section 16.13]	Agreed.
24	Finding 24: It is the schools’ responsibility to ensure that they are fully aware of the home environment they are sending children to when they suspend them. [Sections 16.14–16.15]	It is unrealistic for the schools to be fully aware of the home environment of every child unless the family is already known to other agencies. However, where schools are aware of difficulties at home, it is important this is factored into any decision about suspension.
25	Finding 25: The Sub-Panel fully supports the recommendations from the Serious Case Review for greater liaison between designated teachers for child protection in schools and the Education Department, in addition to improved liaison between Education and the Children’s Service. [Sections 16.1–16.15]	This is already underway with better training initiatives for Child Protection. A new Island-wide training initiative will bolster this further.
26	Finding 26: Education should be seen as investment and not as	Agreed.

	expenditure. Cuts to school budgets are likely to ultimately end up costing society more in the long run, and leading to increased pressure on other budgets. [Sections 17.1–17.5]	
27	Finding 27: The Sub-Panel welcomes the review of secondary education by the Department of Education, Sport and Culture, and looks forward to receiving its report in June 2010. [Sections 17.1–17.5]	This report is dependent on a number of reviews which have yet to be finalised. It is now likely the report will be delivered in the autumn term.
28	Finding 28: Although only briefly considered during the course of the Sub-Panel’s review, based on the comments received, league tables would not be a useful introduction to the Island’s educational system. The Sub-Panel accepts the need for transparency and accountability, but this needs to be balanced against the impact of any such introduction. [Sections 17.6–17.9]	This recognition is welcome given the findings of research into the damaging effects of leagues tables in other jurisdictions.

Recommendations

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
1	Recommendation 1: Standardised training should be provided to head teachers and all frontline staff including teachers and teaching assistants, in all schools, on the new policy guidelines and the rationale for them so that all are fully aware of the regulations and how these should be applied.	ESC	Accept	A training programme is currently being prepared to support the delivery of the policy.	Early 2011

	This will help to ensure the policy will be applied consistently across all schools. [Section 6]				
2	<p>Recommendation 2:</p> <p>The Department of Education, Sport and Culture should seek to produce publicly available annual statistics documenting the number of suspensions that have occurred during each school year. These should be in a form which provides information about the number of pupils suspended, and their characteristics, such as age, gender, any special need and number of times suspended as well as the absolute number of suspensions. [Section 7]</p>	ESC	Accept	The policy of the Minister is to publish data that reflects the performance of the system rather than individual schools. However, information is available about individual schools which is used to challenge and support practice. Even if schools were not named the fact is that relatively few schools carry the inclusion agenda for the whole Island and these would be easily recognisable.	Early 2011
3	<p>Recommendation 3:</p> <p>Dedicated units should be provided in all schools to enable students to stay on the premises during periods of suspension but out of the mainstream classrooms and therefore not disrupting other pupils. These facilities would encourage inclusion if used appropriately and not as 'sin bins'. They would also allow head teachers sufficient flexibility to use the facilities as they felt necessary. [Sections 8.4–8.11]</p>	ESC	Reject	Facilities are available in all of the provided secondary schools and a number of primary schools. Headteachers currently make arrangements for some pupils to be internally suspended and kept on the school premises if that is considered appropriate. However this would not be appropriate for all students as in some cases they might present a danger to other students or staff. Also, parents have a responsibility for their children's behaviour. Suspension at home emphasizes this and provides the parent with an opportunity to address it in partnership with the school.	

4	<p>Recommendation 4:</p> <p>Any part-time timetables need to be initiated on the basis that they are in the best interests of the student concerned. The reasoning behind all part-time timetables should be made clear so that all parties are aware of the reasons behind the introduction of such packages. Any part-time timetables being instigated by schools as a result of resource issues are simply not acceptable. A clear timetable for returning to full-time lessons also needs to be provided. [Sections 8.15–8.29]</p>	ESC	Accept	<p>Already individualised programmes which include periods of time out of school have to be shared and accepted by the School’s Educational Psychologist. Extended programmes have to be submitted and accepted by the Principal Educational Psychologist, acting on behalf of the Director of Education, Sport and Culture. A clear set of targets highlighting the return to full time school based learning is part of the required individualised programmes.</p>	N/A
5	<p>Recommendation 5:</p> <p>Consideration should be given to extending the provision for looked after children at the Alternative Curriculum site for students with frequent suspensions, to ensure that they are still able to access education. [Sections 8.15–8.29]</p>	ESC	Accept	<p>There is a long-established process of support for looked after children ‘students’ who are suspended. The number of looked after students suspended determines the size of the facility. To broaden its remit could lead to more children being excluded from mainstream schools.</p>	N/A
6	<p>Recommendation 6:</p> <p>Alternative ways of working with students who are frequently being suspended need to be established. Getting to the root of problem behaviour is essential and any diagnosis needs to be followed with appropriate methods of intervention. Whether this includes the provision of units on site, adapted</p>	ESC	Accept	<p>Alternative ways are continually sought and implemented. There is ample evidence of this across schools. However, the root of the problem is not always within the learning domain of the school. Poor or unacceptable behaviour does not occur in isolation. The way forward is to</p>	Ongoing

	<p>timetables or alternative educational initiatives and practical qualifications, serious consideration needs to be given to getting to the root of the problem, rather than continually issuing suspensions to the same students.</p> <p>[Sections 8.30–8.32]</p>			<p>consider all the contributory factors and develop individual programmes rather than label a child and place them in a unit.</p>	
7	<p>Recommendation 7:</p> <p>If a student has been suspended as a result of assaulting a teacher, the teacher should not have to face that student again in a classroom situation unless the issue has been fully resolved with collective input from all involved in the incidents. [Section 8.33]</p>	ESC	Accept	<p>Agreed. It is important that the process takes account of the views of all parties.</p>	Ongoing
8	<p>Recommendation 8:</p> <p>All schools need to set work for suspended pupils as a matter of course. The Department needs to ensure that this practice is occurring consistently by putting in place a central monitoring element within the suspension process. However, the Sub-Panel accepts that in some cases it may be necessary for the head teacher to use his/her discretion to decide whether the setting of work is appropriate.</p> <p>[Sections 9.1–9.9]</p>	ESC	Accept	<p>This is already a requirement which is restated in the new policy. Work to be undertaken out of school is now set as a matter of course in a high proportion of cases.</p>	Ongoing
9	<p>Recommendation 9:</p> <p>Parents need to be made aware that the school should set work for suspended pupils. Parents also should be reminded that they need to ensure this work is</p>	ESC	Accept	<p>Agreed, Parents should be an integral part of the processes.</p>	Ongoing

	completed. [Sections 9.1–9.9]				
10	Recommendation 10: The Department of Education, Sport and Culture should bring forward legislation as a matter of urgency requiring a parent or guardian to attend a reintegration meeting following a period of suspension. [Sections 10.1–10.14]	ESC	Reject	The Department is not convinced that legislation is an appropriate or necessary way forward but will investigate further.	
11	Recommendation 11: The Sub-Panel is pleased to note that it has received confirmation from the Department of Education, Sport and Culture that under the new guidelines all the suspension letter templates will be available to all schools in Polish and Portuguese, and recommends that this should further include the suspension policy itself. [Sections 10.1–10.14]	ESC	Accept	Steps can be taken to ensure this is the case.	September 2010
12	Recommendation 12: The Department of Education, Sport and Culture should issue revised guidance to parents about their rights and responsibilities under the school system. [Sections 10.15–10.18]	ESC	Accept	This is now covered in the reply letter templates provided for each school within the new policy.	September 2010
13	Recommendation 13: An independent parent advocacy service should be established as a matter of urgency to ensure that parental rights are upheld, including provision of	ESC	Reject	It is unclear who the panel assumes would take responsibility for this.	

	support with appeals. Full details of this service should be sent to all parents. [Sections 10.15–10.18]				
14	Recommendation 14: Parenting workshops should be established in all schools. [Sections 10.15–10.18]	ESC	Reject	All schools have access to parenting workshops through the Bridge if there is a demand.	
15	Recommendation 15: Closer working and sharing of expertise between special and mainstream schools needs to be developed to provide reintegration to mainstream schools where possible and where appropriate. [Section 12]	ESC	Accept	Much has already been done in this area with additional support provided over the last 4 years. All the specialist schools and provisions have outreach services with the exception of one. This school is, however, continually developing its own inclusion processes so that students entering are aware that placement there is not necessarily permanent and that reintegration to a mainstream school is the ultimate aim.	Ongoing
16	Recommendation 16: The Sub-Panel strongly recommends that all teachers and teaching support staff should receive the SPELL training raising awareness of Autistic Spectrum Disorders as a matter of course. [Sections 13.9–13.14]	ESC	Reject	Training is already provided for teachers and teaching assistants in schools which support specific provisions for children on the autistic spectrum. This is ongoing.	
17	Recommendation 17: The Department of Education, Sport and Culture should introduce regular training for teachers and	ESC	Reject	This is part of current practice for Newly Qualified Teachers and Graduate Teacher Training	

	teaching support staff to assist them with working with students with emotional and behaviour difficulties as well as behaviour management training. The Department should also keep central records of training attendance. [Section 13]			staff. It is for schools to retain the professional development records of their staff.	
18	Recommendation 18: The Department of Education, Sport and Culture should issue revised guidelines to schools with regard to working with students with special educational needs. Wherever possible these students should have the opportunity to spend time in a specialised provision rather than being suspended. In addition, the Department should make available to parents a list of schools with specialist expertise in learning, communication and behavioural difficulties. [Section 14]	ESC	Reject	This model does not meet with current practice which is around trying to ensure that pupils can access and be supported in their local school.	
19	Recommendation 19: Efforts need to be made by the Departments of Education, Sport and Culture and Health and Social Services to ensure that any misconceptions regarding the reason for parents not receiving diagnoses of their children's needs are addressed. [Section 15]	ESC & H&SS	Accept	In a co-working capacity this is reasonable.	H&SS
20	Recommendation 20: Any records of need should be in place at the earliest possible opportunity to ensure students are able to access the full range of	H&SS	Accept	Accepted.	Early 2011

	resources available to them. [Section 15]				
21	Recommendation 21: Primary mental health workers should be introduced to provide a link between schools and CAMHS. [Sections 16.1–16.8]	ESC & H&SS	Accept	This would be welcome providing the resources were targeted at the appropriate tier of need. It would obviously require additional resources.	H&SS
22	Recommendation 22: Funding should be provided for dedicated social workers for each of the Island’s four 11–16 secondary schools as a matter of urgency. [Sections 16.9–16.11]	ESC & H&SS	Accept	This has been done through the Williamson recommendations.	September 2010
23	Recommendation 23: Consideration should be given to a representative from the Comité des Chefs de Police sitting on MAST. [Section 16.12]	ESC & H&SS	Accept	This needs further consideration.	Early 2011
24	Recommendation 24: All secondary schools should have access to a dedicated police liaison officer. [Section 16.13]	ESC & HA	Accept	This would be supported by ESC.	HA
25	Recommendation 25: If there are any concerns regarding a suspended student’s home environment, s/he should spend periods of suspension at the Alternative Curriculum provision in the same way that this process operates for looked after children. [Section 16.14–16.15]	ESC & H&SS	Accept	This needs further consideration.	Early 2011

Conclusion

I am pleased that the Panel has recognised the good work that takes place across our schools to support all children including those who have specific needs. I would like to acknowledge the sterling work carried out by our staff in this respect.

My service is committed to continuous improvement and this is reflected in the culture of our schools and the policies that support their work. Therefore, I accept that many of the Panel's recommendations will have a positive impact and help us develop further.

Re-issue Note

This S.R. Response is re-issued because the original document supplied by the Department had omitted some text from the table of **Recommendations** on pages 10 to 17.