

## SUSPENSION & PERMANENT EXCLUSION POLICY

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Approval by:

FULL TRUSTEE BOARD/  
A&C COMMITTEE/  
HR & FINANCE COMMITTEE/  
BH&S COMMITTEE  
ACADEMY PRINCIPAL

### 1. Aims

Our school aims to ensure that:

- The suspensions process is applied fairly and consistently
- The suspensions process is understood by Trustees, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment, or training)

### 2. Legislation and statutory guidance

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 pupils:

- Section 52 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 looks at 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](#)

This policy complies with our funding agreement and articles of association.

### 3. The decision to suspend

Only the Executive Principal or, in the Executive Principal's absence, the Associate Principal can suspend a pupil from school. A permanent exclusion will be taken as a last resort.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

*“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”*

We are committed to following all statutory suspension procedures to ensure that every child receives an education in a safe and caring environment.

A decision to suspend a pupil will be taken only:

- In response to serious or persistent breaches of the school’s behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend a pupil for a fixed period or permanently exclude, the Executive Principal will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

## 4. Definition

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a ‘fixed-term exclusion’.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an ‘exclusion’.

Off-site direction – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.

Parents– any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil 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.

## 5. Roles and responsibilities

### 5.1 The Executive Principal

#### Informing parents

The Executive Principal will immediately provide the following information, in writing, to the parents of a suspended pupil:

- The reason(s) for the suspension
- The length of a fixed term suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents right to make representations about the suspension to the Trustee Board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Trustee Board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Executive Principal will also notify parents by the end of the afternoon session on the day their child is suspended that for the first five school days of a suspension, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If an alternative provision is being arranged, the following information will be included when notifying parents of a suspension:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of a suspension, in which case the information can be provided with less than 48 hours' notice with parents' consent.

## Informing the Trustee Board and local authority

The Executive Principal will immediately notify the Trustee Board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period suspension is followed by a decision to permanently exclude a pupil
- Suspensions which would result in the pupil being suspended for more than five school days (or more than 10 lunchtimes) in a term
- Suspensions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Executive Principal will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other suspensions, the Executive Principal will notify the Trustee Board and LA once a term.

## Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the headteacher will inform **the social worker** as early as possible
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the headteacher will inform **the VSH** as early as possible

This is in order to work together to consider what factors may be affecting the pupil's behaviour and what further support can be put in place to improve the behaviour.

If the Executive Principal decides to suspend or permanently exclude a pupil with a social worker/a pupil who is looked after, they will inform the pupil's social worker/the VSH, as appropriate, without delay that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public (where relevant)

The social worker/VSH will be invited to any meeting the Trustee Board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil'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 pupil's welfare are taken into account.

## **Cancelling suspensions and permanent exclusions**

The Executive 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 Trustee Board. Where there is a cancellation:

- The parents, Trustee Board and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- Parents will be offered the opportunity to meet with the Executive Principal to discuss the cancellation
- As referred to above, the Executive Principal will report to the Trustee Board once per term on the number of cancellations
- The pupil will be allowed back into school

## **5.2 The Trustee Board**

Responsibilities regarding suspensions is delegated to the Pupil Discipline Committee.

The Pupil Discipline Committee, has a duty to consider the reinstatement of a suspended pupil (see section 6).

Within 14 days of receipt of a request, the Trustee Board will provide the Secretary of State with information about any suspensions or permanent exclusion in the last 12 months.

For a fixed period suspension of more than five school days, the Trustee Board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

## **5.3 The LA**

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

For pupils who are LAC or have social workers, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

## 6. Considering the reinstatement of a pupil

The Pupil Discipline Committee will consider the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed term suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term
- It would result in a pupil missing a public examination or national curriculum test

If requested to do so by parents, the Pupil Discipline Committee will consider the reinstatement of a suspended or permanently excluded pupil within 50 school days of receiving notice of the suspension or permanent exclusion if the pupil would be suspended from school for more than five school days, but less than 15, in a single term.

Where a suspension would result in a pupil missing a public examination, the Pupil Discipline Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Pupil Discipline Committee will consider the suspension and decide whether or not to reinstate the pupil.

The Pupil Discipline Committee can either:

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

In reaching a decision, the Pupil Discipline Committee will consider whether the suspension was lawful, reasonable and procedurally fair and whether the Executive Principal followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to suspend.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The Pupil Discipline Committee will notify, in writing, the Executive Principal, parents and the LA of its decision, along with reasons for its decision, without delay.

With a permanent exclusion, the Pupil Discipline Committee's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
  - The date by which an application for an independent review must be made
  - The name and address to whom an application for a review should be submitted
  - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the academy trust to appoint an SEN expert to attend the review
  - Details of the role of the SEN expert and that there would be no cost to parents for this appointment
  - That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
  - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review.

- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

## 7. An independent review

If parents apply for an independent review, the academy trust will arrange for an independent panel to review the decision of the Trustee Board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Pupil Discipline Committee of its decision to not reinstate a pupil.

A panel of three or five members will be constituted with representatives from each of the categories below.

Where a five member panel is constituted, two members will come from the school Trustees' category and two members will come from the Principal/Headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school Trustee or volunteer
- School Trustees who have served as a Trustee for at least 12 consecutive months in the last five years, provided they have not been teachers or Headteacher/Principals during this time
- Principals/headteachers or individuals who have been a Principal/headteacher within the last five years

A person may not serve as a member of a review panel if they:

- Are a member/trustee of the academy trust, or Trustee Board of the excluding school
- Are the Principal of the excluding school, or have held this position in the last five years
- Are an employee of the academy trust, or the Trustee Board, of the excluding school (unless they are employed as a Principal/headteacher at another school)
- Have, or at any time have had, any connection with the academy trust, school, Trustee Board, parents or pupil, 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 two years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

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 in the lead up to the permanent exclusion or are relevant to the pupil's permanent exclusion.

The independent panel will decide on one of the following:

- Uphold the Trustee Board's decision
- Recommend that the Trustee Board reconsiders reinstatement
- Quash the Trustee Board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

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.

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 governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board 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 governing board reconsider reinstatement.

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

## 8. School registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the suspension/exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the Trustee Board will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the school's register, the pupil's attendance will still be recorded appropriately. Where alternative provision has been made for a suspended or permanently excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where suspended or permanently excluded pupils are not attending alternative provisions, code E (absent) will be used.

## Making a return to the LA

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- The pupil's full name
- The full name and address of any family with whom the pupil normally resides can be contacted in an emergency
- At least one telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e. permanent exclusion)
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school
- Details of the pupil's new address, including the new address, the name of the family the pupil is going to live there with, and the date when the pupil is going to start living there, if the family has informed the school that the pupil is moving house.

This return must be made as soon as grounds for removal is met and not later than the removal of the pupil's name.

## 9. Returning from a fixed-term suspension

### 9.1 Reintegration strategy

Following a fixed-term suspension, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented when a pupil returns from a fixed-term suspension:

- Agreeing on a behaviour contract
- Putting a pupil on Stage 5 or Stage 4 Focus Card
- Phased return to classroom environment/playground environment

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

### 9.2 Reintegration meetings

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, family, a member of senior staff, and any other relevant member of staff will be invited to attend the meeting.

The meeting can proceed without the family in the event that they cannot or do not attend.

The school expects all returning pupils and their family to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

## 10. Monitoring arrangements

The Executive Principal monitors the number of suspensions and/or permanent exclusions every term and reports back to the Trustees. They also liaise with the local authority to ensure suitable full-time education for suspended pupils.

This policy will be reviewed by the Executive Principal annually. At every review, the policy will be shared with the Trustee Board.

## 11. Links with other policies

This exclusions policy is linked to our:

- Behaviour policy
- SEN policy and information report

## Appendix 1: Independent review panel training

The academy trust must ensure that all members of an independent review panel and clerks have received training within the two years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of Principals/headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act