



Exclusion and Suspension Policy

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Contents

1. Background	2
2. The Equality Act (2010) and Special Educational Need	2
3. Evaluating Evidence	2
4. Serious Breaches of the Behaviour Policy	3
5. Pupils' Behaviour Outside of School	3
6. Getting Early Support	3
7. Suspensions	4
8. Pupils' Participation	4
9. Pupils who are in Social Care or Looked After Children (LAC or PLAC)	4
10. The First Five Days of Suspension/Exclusion	4
11. 'Reintegration'	4
12. Communication:.....	4
With Parents/Carers	4
With the Local Authority	5
13. Duty of the Trust to Consider Exclusions	5
14. Permanent Exclusion - Parental Disputes.....	6

1. Background

- 1.1 This policy follows the Department for Education's current [statutory guidance](#): 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'. The guidance reflects the primary legislation around suspension and exclusion.
- 1.2 We will only permanently exclude a pupil as a last resort and in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. We will only suspend or exclude a pupil when to do so would be lawful, reasonable and procedurally fair.
- 1.3 The decision to suspend or permanently exclude is a very serious one. As such, only the Headteacher of the school can make this decision. The decision to exclude can only be made on disciplinary grounds and not for non-disciplinary reasons such as a pupil's additional needs, academic attainment, or failure to attend a reintegration meeting.

2. The Equality Act (2010) and Special Educational Need

- 2.1 We have a statutory duty not to discriminate against pupils on the basis of protected characteristics. We will give particular consideration to pupils who are more vulnerable, based on national figures, to be excluded, and those groups who, in our school, are vulnerable to exclusion.
- 2.2 For disabled children, we will make reasonable adjustments to policies and practices and the provision of auxiliary aids as appropriate. We will not create policies or use practices that discriminate against pupils with protected characteristics by unfairly increasing their risk of suspension or exclusion. We will comply with our statutory duties in relation to SEND when administering the suspension/exclusion process. This includes having regard to the SEND Code of Practice.
- 2.3 Where we have concerns about the behaviour, or risk of suspension/exclusion, of a child with additional needs, a pupil with an Education, Health & Care (EHC) plan or a looked after child, we will, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This will involve assessing the suitability of provision for a pupil's SEND. Where a pupil has an EHC plan, we will evaluate whether there is a need to request an early annual review or interim/emergency review.

3. Evaluating Evidence

- 3.1 When establishing the facts in relation to a suspension or exclusion 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 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.

4. Serious Breaches of the Behaviour Policy

4.1 No policy can cover every circumstance and each case will be judged on its merits. The following list provides *examples* of what may constitute a serious breach (in or out of school). The list is neither exhaustive nor definitive and members of staff may use their discretion so long as they act professionally in a manner befitting of their role and responsibilities.

- Persistent breaches of the school's behaviour policy and expectations;
- Serious violence, actual or threatened, against a pupil or member of staff;
- Bringing onto school premises or being found in possession of anything that constitutes an offensive weapon or illegal substance;
- Bullying/cyberbullying or other harmful online behaviour;
- Bringing 'outsiders' onto school property in order to threaten or create conflict;
- Sexually inappropriate behaviour, sexual abuse or assault;
- Threatening others – physical or verbal;
- Cursing or inappropriate gestures – particularly towards an adult;
- Deliberate involvement in or instigation of conflict;
- Persistent verbal aggressiveness towards peers or adults;
- Persistent wilful disobedience or serious disrespect to adults;
- Stealing;
- Knowingly possessing stolen property;
- Vandalism and destruction of property;
- Consistently disrupting learning;
- Playing with fire alarms or extinguishers;
- Smoking (including shisha pens or e-cigarettes/"Vapes") or drinking alcohol, or using or distributing drugs or other illegal substances;
- Cheating in a test or exam;
- Wearing, displaying or drawing graffiti 'gang' affiliated items and phrases; or
- Any other one-off incident/action considered by the Headteacher to be exceptionally serious.

5. Pupils' Behaviour Outside of School

5.1 Pupils' behaviour outside of school *can* be considered as grounds for exclusion. (Education and Inspections Act 2006 – Section 89, *Subsection (5)* enables the head teacher to determine (to such an extent as is reasonable) measures to regulate the behaviour of pupils when they are not on school premises or under the control or charge of a member of the school staff. This would, for example, allow rules governing behaviour on the journey to and from school and during work experience placements)

6. Getting Early Support

6.1 When we have initial concerns about a pupil's behaviour, we will explore causal factors and intervene early to attempt to avoid a subsequent suspension/exclusion. Where appropriate, we will draw on the support of other agencies to assess whether support beyond a pupil's educational needs is required.

7. Suspensions

- 7.1 The maximum number of suspension days per academic year is 45. If a pupil's behaviour is such that they are sent home, this is a suspension. A suspension cannot be extended or converted into a permanent exclusion. However, in exceptional cases (for example, if new evidence comes to light), a new suspension (or, if appropriate, based on the evidence, a permanent exclusion) can start at the end of the first. If a pupil is suspended for part of a school day (for example, at lunch time) this will be recorded as half a day's suspension. We do not use informal suspensions or 'sending home to cool off' periods - with or without parents'/carers' agreement.
- 7.2 Where pupils have multiple suspensions, or the 45-day limit is being approached, it could be that the sanction of suspension is not effective in helping a pupil to behave well. In these cases we will explore different ways of supporting a pupil to behave well.

8. Pupils' Participation

- 8.1 We will encourage pupils to take part in all stages of the suspension/exclusion process, according to their age and ability to understand that process. Where practical, the Headteacher will give a pupil the opportunity to present their case before deciding to exclude a pupil.

9. Pupils who are in Social Care or Looked After Children (LAC or PLAC)

- 9.1 If a Headteacher suspends or permanently excludes a pupil they will, without delay, notify the social worker, if a pupil has one, and the Virtual School Head, if the pupil is a LAC. These individuals will also be invited to attend any panel review meetings.

10. The First Five Days of Suspension/Exclusion

- 10.1 We will take all reasonable steps to provide and assess work in the first five days of a suspension/exclusion. We will arrange alternative provision, at the latest, on day 6 of a continuous suspension. The local authority is responsible for educational provision from day 6 following a permanent exclusion.

11. 'Reintegration'

- 11.1 When a pupil has a suspension, we will use our reintegration strategy to help manage their behaviour.

12. Communication

With Parents/Carers

- 12.1 We will make sure that, when we communicate with parents/carers, we take reasonable steps to be clear and easily understood. Where a parent's/carer's first language is not English, we will, where practical, take further steps to ensure that parents/carers understand the information we give.

12.2 When the Headteacher suspends or excludes a pupil, on each occasion we will communicate the following information to parents/carers without delay (by the end of the afternoon session where possible), verbally or in writing:

- the reason(s) for the exclusion;
- the length of the exclusion;
- (where an excluded pupil is of compulsory school age) we will also notify parents/carers of the days on which they must ensure that the pupil is not present in a public place at any time during school hours; and
- arrangements for the continuity of education.

12.3 We will then, without delay, give parents/carers the following information in writing:

- the reason(s) for the exclusion;
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent;
- that parent's/carer's have a right to make representations about the exclusion and how the pupil may be involved in this;
- (where an excluded pupil is of compulsory school age) we will also notify parents/carers of the days on which they must ensure that the pupil is not present in a public place at any time during school hours;
- details of arrangements for the continuity of education;
- details of any alternative provision to be provided, where appropriate and where this information is available;
- how any representations should be made;
- where there is a legal requirement for a panel of governors to consider the suspension/exclusion, that parents/carers have a right to attend a meeting and to bring a friend or representative (for example, from a charity or advocacy organisation) with them; and
- sources of free and impartial information about exclusion as outlined in paragraph 75 of the [statutory guidance](#).

With the Local Authority

12.4 We will, without delay, notify the local authority of all suspensions and exclusions, but particularly:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
- any exclusion which would result in the pupil being excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any exclusion which would result in the pupil missing a public examination or national curriculum test.

13. Duty of the Trust to Consider Exclusions

13.1 The Trust, via a panel of governors, will consider the reinstatement of a pupil whom the Headteacher has excluded, within 15 school days of being notified, if:

- the exclusion is permanent;

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

13.2 The Trust Board delegates authority to consider suspensions/exclusions to a panel of three 'governors' which may be made up of Members/Trustees/Governors from schools across the whole Trust. Training, guidance, and support is provided to all 'governors' that support with reviewing suspensions/exclusions.

13.3 Where a pupil would be suspended for more than five but less than 16 school days in the term and parents/carers make representation to the Trust, a 'governor' panel will consider these representations within 50 school days of being notified of the suspension(s).

13.4 Where a suspension/exclusion would result in a pupil missing a public examination or national curriculum test, a 'governor' panel will, so far as is reasonably practicable, consider the suspension/exclusion before the date of the examination or test. If this is not possible, the school's Chair of Governors (or another nominated Governor) may consider the matter alone and decide whether or not to reinstate the pupil.

13.5 In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, a 'governor' panel will consider any representations made by parents/carers, but it cannot direct reinstatement and is not required to arrange a meeting with parents/carers.

14. Permanent Exclusion - Parental Disputes

14.1 Where a 'governor' panel declines to reinstate a permanently excluded pupil and a parent/carer wishes to dispute this decision, the parent/carer has a right to seek a review by an Independent Review Panel. Details of how to do this will be included in the decision letter sent to parents/carers following a 'governor' panel review. Any request must be made in writing, within the specified timeframe, and must contain the reason(s) why the parents/carers feel the decision was incorrect or unlawful.