

Our school is part of the Embark Federation.

The shared vision for our trust is to “create schools that ‘stand out’ at the heart of their communities.” Our trust has four core beliefs; Family, Integrity, Teamwork and Success that are integral to everything we do. The purpose is to enable everyone to be able to ‘Love Learning, Love Life.’

Our policies are underpinned by our vision, beliefs and purpose



## Exclusion and Suspension Policy

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## Introduction

An exclusion is the legal power a headteacher has to remove a pupil from the school site either for a fixed period (a suspension) or permanently. In some cases, a member of the school senior leadership team may suspend a pupil.

It is a statutory obligation to have an Exclusion Policy that complies with the Department for Education's Guidance on Exclusions and Suspensions of July 2023.

## Expectations

Every headteacher is expected to provide a safe, calm and supportive environment for pupils to learn effectively and to thrive. Sometimes it will be necessary to remove a pupil on a fixed term or permanent basis to achieve this.

Neither suspension nor exclusion is to be used without investigation and proper consideration of possible alternatives. Permanent exclusion will be the last resort.

The Policy and attached procedures will set out how the suspension and/or exclusion process will operate. The 'Exclusion and Suspension Policy' supports the principles set out in the 'Behaviour Policy'.

## Prior to an Exclusion or Suspension

The individual pupil's background, circumstances and needs should be considered on a case-by-case basis. The school must demonstrate that a range of strategies and interventions have been tried to modify the pupil's behaviour.

If a pupil has a disability or identified SEN or Social Emotional Mental Health needs, then consideration about how this impacts on their behaviour will be taken into account.

If there is social care or health involvement, consultation with these agencies may be necessary as part of the evidence gathering and review process.

Suspensions are to be used as part of a strategy to improve behaviour. These will be supported by reintegration meetings that focus on improving behaviour.

In some cases, the matter will be so serious that a single incident may lead to a permanent exclusion.

A pupil's behaviour outside school can be considered, this can include online and physical actions. A headteacher can consider reports of a pupil's actions outside school to determine if the pupil has brought the school into disrepute.

## **Breaches of the Behaviour Policy**

If a pupil's behaviour has a detrimental effect on other pupils in the class and school this is a breach of the behaviour policy. The examples below are not exhaustive, it is the impact of the behaviour that will be taken into consideration.

Such behaviour prevents staff from delivering the best teaching and learning for the class as resources are diverted to manage and control an individual at the expense of other pupils' learning opportunities.

Behaviour that is disruptive, in and outside of lessons can lead to either fixed-term suspensions, or in some cases a permanent exclusion. Examples of disruptive behaviour can include: -

- verbal, online or physical bullying
- aggressive behaviour to others in the school
- disruption of lessons as a result of poor behaviour
- refusal to follow instructions or directions from school staff
- use or threats of weapons
- damage to school property
- threatening behaviour

## **Serious Single Incidents**

A single, one-off, serious incident can result in permanent exclusion. Examples of such a serious matter are: -

- physical assault against a pupil
- physical assault against an adult
- verbal abuse or threatening behaviour against a pupil
- verbal abuse or threatening behaviour against an adult
- use, or threat of use, of an offensive weapon or prohibited item that has been banned by a school's behaviour policy
- bullying
- racist abuse
- abuse against sexual orientation or gender reassignment
- abuse relating to disability
- making serious false allegations about another person

The list is not exhaustive. The headteacher can take other factors into account when deciding if a single incident is so serious to require a permanent exclusion.

## **Decision Making**

The headteacher must be satisfied that the behaviour was in breach of the Behaviour Policy. This may be on the grounds of persistent disruptive behaviour or a single one-off incident (or a combination of both).

A headteacher has the power to issue a permanent exclusion. If the head is absent for a significant period, an acting headteacher can be authorised to make an exclusion decision.

A suspension can be issued by a member of the school senior leadership team and will be reviewed by the headteacher.

A decision to exclude a pupil permanently will only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy, and;
- where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

A headteacher can cancel any sanction before it is reviewed by the Governing Board (GB).

Decisions must be:-

- lawful
- fair
- reasonable
- proportionate
- follow the evidence gathered
- rational

## **Notification of the sanction**

The headteacher must notify the parent of the excluded pupil without delay of the reasons for the sanction.

If the pupil is Looked After by the Local Authority (LA) or has a social worker, then relevant people at the LA must be notified. The LA must be notified of all suspensions and exclusions.

The notification will set out what will happen next, and how and when the sanction can or will be reviewed by the Governing Board (GB)

Details about how work will be set, how it will be marked and returned to the pupil will be explained in the notice. If Alternative Provision education is to be provided, details of this will be in the notice.

The headteacher will notify and discuss suspensions or exclusions with the Chair of Governors and Trust or Deputy Trust Leader

The headteacher will report termly to Governors on the number of suspensions & exclusions

The Trust will monitor exclusions at each school termly through the Trust Dashboard and these will be discussed bi-annually at risk review meetings unless the school is identified for additional support

## **Reviews of the decision to suspend or exclude**

The table sets out how parents can seek a review of the headteacher's decision

Sanction	Right to Review
Up to 4 days suspension in a term	Written representations can be made to the Governing Body (GB). The GB must consider the submissions and can have a note of their decision placed onto the pupil file. There is no time limit for such consideration.
5 to 15 days suspension in a term	Representations can be made to the GB. The GB does not have to meet with the parents/carers. It may be on written submissions alone. This must be done within 50 days of the decision that triggers the timeline. The GB must consider reinstatement  However, if the effect of the sanction is to miss a public exam of national curriculum test, the GB must seek to review the decision ahead of that event.
More than 16 days suspension in a term	The GB must convene a meeting within 15 school days to consider reinstatement. Parents (and usually the pupil) will be invited to attend the meeting and make representations.
Permanent Exclusion	The GB must convene a meeting within 15 school days to consider reinstatement. Parents (and usually the pupil) will be invited to attend the meeting and make representations.

### **The Governing Board Review meeting (GBR)**

The meeting date will be shared by the clerk. The school will be required to provide evidence of the reasons for the suspension or exclusion.

Parents (and the pupil) have the opportunity to make representations. They can be accompanied by a friend or representative.

The Governing Team can consider inviting parents and school representatives to review of suspensions for up to 15 days. However, it is not a requirement that parents are invited to the GBR meeting that will discuss the suspension. If the parents are not in attendance, then the headteacher will not be physically present for that discussion. The headteacher will be invited to submit any submissions also.

If the GBR meeting is to review a suspension of 16 or more days or to review a decision to permanently exclude a pupil, then parents and the headteacher will be invited to a specially convened meeting.

The clerk will make arrangements for the meeting and notify all parties of the date, time and venue. The clerk will liaise to secure a mutually convenient time if possible.

All material that has been provided to the clerk will usually be shared with all parties 5 school days before the meeting.

The meeting panel will be comprised of governors who have no connection with the incidents or events. It may be necessary to use governors or trustees from other schools or trusts to demonstrate suitable independence.

The panel can uphold the headteacher's decision or direct reinstatement.

The expectation is that the meeting will be face to face, unless a parent requests remote or there is an exceptional event that requires a remote meeting.

### **After the GBR meeting**

The clerk must notify all parties of the outcome. The actual decision can be shared by a telephone call to the parents and the school. A letter setting out the reasons in plain English must follow. The letter must also explain what other options are available.

If the decision is to uphold a permanent exclusion, the letter must set out that parents can request and Independent Review Panel within 15 school days of being notified of the GB decision.

### **Independent Review Panel (IRP)**

If parents (or the pupil) request an IRP to review the GB decision it must usually be held within 15 school days. If a request is received outside the 15 days, it will not be accepted as the legal timeline is very clear.

The IRP members will have no vested interest or connection with the school. An independent panel will be convened by the Trust/LA. The IRP members must be suitably trained.

The parents can request that an SEN expert attends. This person is funded by the school or trust but must be independent of them.

The IRP can uphold the decision, recommend a review or quash the decision.

### **Removal from Roll**

A pupil can be removed from the school roll following a permanent exclusion if: -

- a) the parent makes no application for an Independent Review Panel within 15 school days of being notified of the meeting of the BG review.
- b) the parent notifies the school that they will not be pursuing an IRP
- c) at the conclusion of the IRP hearing if the IRP upholds the decision to exclude
- d) following a reconsideration meeting following an IRP hearing, the GB still decides to uphold the decision to permanently exclude a pupil

Removal from the school roll must be in compliance with the current version of the Education (Pupil Registration) (England) Regulations 2006.

### **Police and Criminal Investigations**

A pupil and his or her family have the right to contact the police if they feel that a criminal offence has been committed.

Unless specifically directed by the police not to share statements or if they are concerned that the school's processes would significantly prejudice an investigation, the exclusion process should proceed. The significant difference in procedure and legal standard of proof means that the two processes should continue in tandem.

## Law and Guidance

At each stage, the relevant decision-makers must ensure that each decision is: -

- lawful
- fair
- reasonable
- proportionate
- follow the evidence gathered
- rational

The principles of Natural Justice, protections of the Human Rights Act 1999 and where relevant the Public Sector Equality Duty must be applied.

The principal legislation to which this guidance relates is:

- the Education Act 2002, as amended by the Education Act 2011
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- the Education and Inspections Act 2006
- the Education Act 1996
- 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
- the Equality Act 2010
- the Education and Inspections Act 2006
- the Children and Families Act 2014 **Statutory Guidance**

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