

Exclusion and Suspension Policy

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](#)

What is an Exclusion and Suspension?

Suspension/exclusion is a disciplinary sanction and means that a pupil is not allowed on the school premises for the duration of the suspension/exclusion.

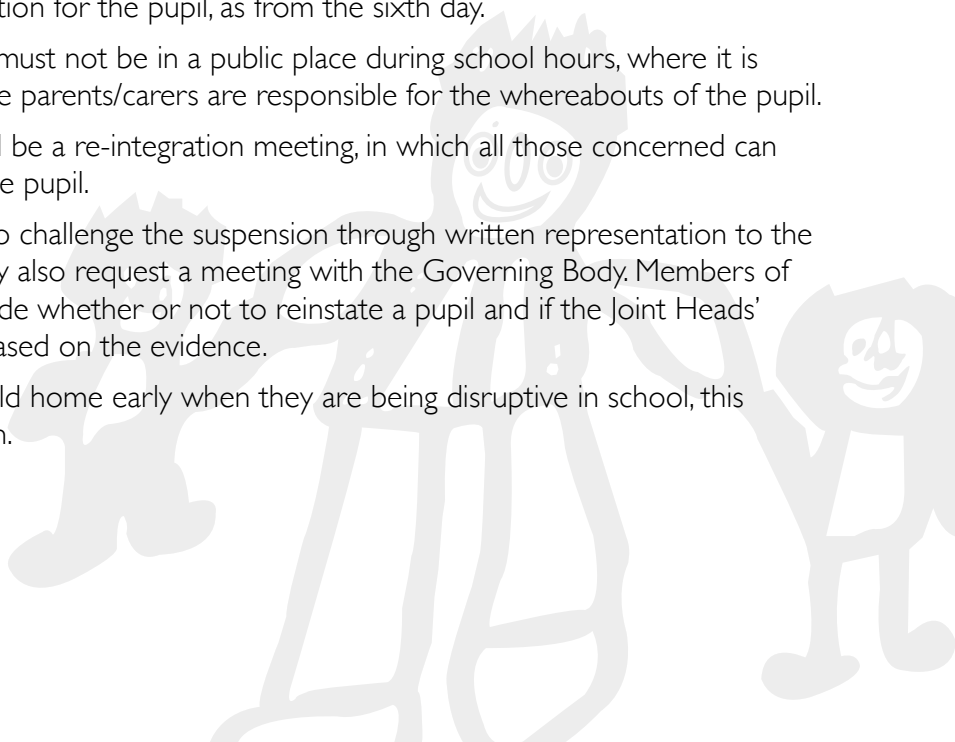
For the purposes of suspensions/exclusions, a school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), referred to as suspension or permanently.

There are two types of elements addressed in this policy:

- Suspension (previously referred to as 'Fixed-Term Exclusion')
- Permanent Exclusion

Suspension

- A set number of days, after which the pupil returns to school.
 - The school must inform the parents/carers explaining the reasons for the suspension and how long it is to last.
 - For the first five days, the school should provide resources/activities for the pupil.
 - If the suspension is for more than five days, the school must make every effort to secure arrangements for alternative education for the pupil, as from the sixth day.
 - During the suspension, the pupil must not be in a public place during school hours, where it is appropriate and reasonable, and the parents/carers are responsible for the whereabouts of the pupil.
 - On returning to school, there will be a re-integration meeting, in which all those concerned can discuss the best way forward for the pupil.
 - Parents/carers may have a right to challenge the suspension through written representation to the Governing Body. Parents/carers may also request a meeting with the Governing Body. Members of the Governing Body may then decide whether or not to reinstate a pupil and if the Joint Heads' decision to suspend was justified based on the evidence.
 - If the school decide to send a child home early when they are being disruptive in school, this should be recorded as a suspension.
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Permanent Exclusion

- For the first five days, the parents/carers are responsible for the pupil's whereabouts, and he/she must not be in a public place during school hours, where this is appropriate and reasonable.
- For the first five days, the school should set activities and provide resources for the pupil.
- An assessment of the pupil should be undertaken by the Local Authority, so that a long-term re-integration plan for a new placement can be devised.
- The Local Authority must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion.
- Where a pupil has an EHCP, the Local Authority must ensure that an appropriate full-time placement is identified in consultation with the parents/carers, who retain their rights to express a preference for a school that they wish their child to attend or make representations for a placement in any other school.
- The school's Governing Body will meet to decide whether or not to reinstate a pupil and if the Joint Heads' decision to exclude was justified based on the evidence.
- Parents/carers and the pupil will have an opportunity to present their point of view, regarding the exclusion. At that meeting the members of the Governing Body will either uphold the exclusion or reinstate the pupil.
- If the permanent exclusion is upheld by the members of the Governing Body, the parents/carers have the right to appeal to an Independent Review Panel.

Suspension and Exclusion criteria

Sometimes a pupil's behaviour will lead to a period of suspension or exclusion from school. The school conforms to the Department of Education Guidance entitled [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#). This option would only be instigated when we felt that we could not guarantee to safeguard the pupil themselves and/or other pupils and the safety of staff. Our Exclusion and Suspension Policy should be read in context with the individual schools' [Behaviour and Interpersonal Development Plan](#).

The decision to suspend or exclude

Only the Joint Headteachers can suspend or exclude a pupil from school. A permanent exclusion will be taken as a last resort.

The 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 and exclusions procedures to ensure that every child receives an education in a safe and caring environment. A decision to suspend or exclude a pupil will be taken only:

- In response to serious or persistent behaviours that are incompatible with the school's Behaviour and Interpersonal Development policy; and

- If allowing the pupil to remain in school would seriously harm the education or welfare of others, such as staff or pupils in the school.

Before deciding whether to exclude or suspend a pupil, the Joint Headteachers will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension/exclusion were provoked;
- Allow the pupil to give their version of events where this is possible;
- Consider the nature of the pupil's special educational needs, (SEN) and specifically, their competence and level of understanding in relation to their own conduct.
- Consider the level of support that was in place for the pupil at the time of the incident/s and whether any reasonable adjustments had been made.

When establishing the facts in relation to an exclusion decision, the Joint Headteachers 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'.

It is illegal to suspend/exclude a pupil simply because the school is not able to meet their needs and excluding a pupil for behaviour that is due to their SEN may constitute discrimination.

It is illegal to exclude a pupil for non-disciplinary reasons such as the actions of their parents/carers or their academic ability. When deciding whether to suspend/exclude a pupil, the Joint Heads must consider the school's responsibilities under the Equality Act 2010.

Why would a pupil be suspended/excluded?

A decision to exclude a pupil permanently should only be used as a last resort and taken:

- In response to serious or persistent behaviours that are incompatible with the school's Behaviour and Interpersonal Development policy; and
- If allowing the pupil to remain in school would seriously harm the education or welfare of others, such as staff or pupils in the school.

Exclusion will only be used where no further reasonable adjustments can be made, and 'on the balance of probabilities', the level of risk to pupils and/or staff cannot be reduced to a safe level.

When considering our behaviour and interpersonal development approaches in relation to suspension, suspension may be used in order to create space to enable the school and specific staff to evaluate whether further adjustments are appropriate and possible to achieve without there being a material impact on the efficient education of others and safety and well-being of the wider school community. It may also be used as a sanction in cases where it is evidenced that a pupil has the cognitive capability to understand the consequences and the severity of their behaviour.

When establishing the facts in relation to a suspension/exclusion decision, the Joint Headteachers 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'.

Suspension/Exclusion of a child who has Special Educational Needs

There are certain factors that should be taken into consideration for children who display disruptive behaviour that is as a result of their Special Educational Need (SEN).

- Schools should engage proactively with parents/carers in supporting the behaviour of pupils with additional needs.
- Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have.
- The Joint Headteachers should also consider the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour.
- The Joint Headteachers and Governing Body must take account of their statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the SEN Code of Practice.
- Where a school has concerns about the behaviour, or risk of suspension/exclusion, of a child with additional needs, a pupil with an EHCP or looked after child, it should in partnership with others (including the Local Authority as necessary) consider what additional support or alternative placement may be required.
- The decision to suspend/exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as disability.

Roles and responsibilities

The Joint Headteachers

Informing parents/carers

The Head will immediately provide the following information, in writing, to the parents/carers of a suspended/excluded pupil:

- The reason(s) for the suspension/exclusion;
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent;
- Information about parents/carers' right to make representations about the suspension/exclusion to the Governing Body and how the pupil may be involved in this;
- Where there is a legal requirement for the Governing Body to meet to consider the reinstatement of a pupil, and that parents/carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.
- The Joint Headteachers will also notify parents/carers by the end of the afternoon session on the day their child is suspended/excluded that for the first 5 school days of an suspension/exclusion, or until the start date of any alternative provision where this is earlier, parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. They will clarify that INSET or staff training days do not count as a school day.
- Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.
- If alternative provision is being arranged, the following information will be included when notifying parents/carers of a suspension/exclusion:
 - 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 an exclusion, in which case the information can be provided with less than 48 hours' notice with parents/carers' consent.

Informing the Governing Body and Local Authority

The Joint Headteachers will immediately notify the Chair of Governors and the Local Authority of:

- A permanent exclusion;
- Suspensions which would result in the pupil being excluded for more than 5 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 Joint Headteachers will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.
- For all other suspensions/exclusions, the Joint Headteachers will notify the Chair of Governors and LA.

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

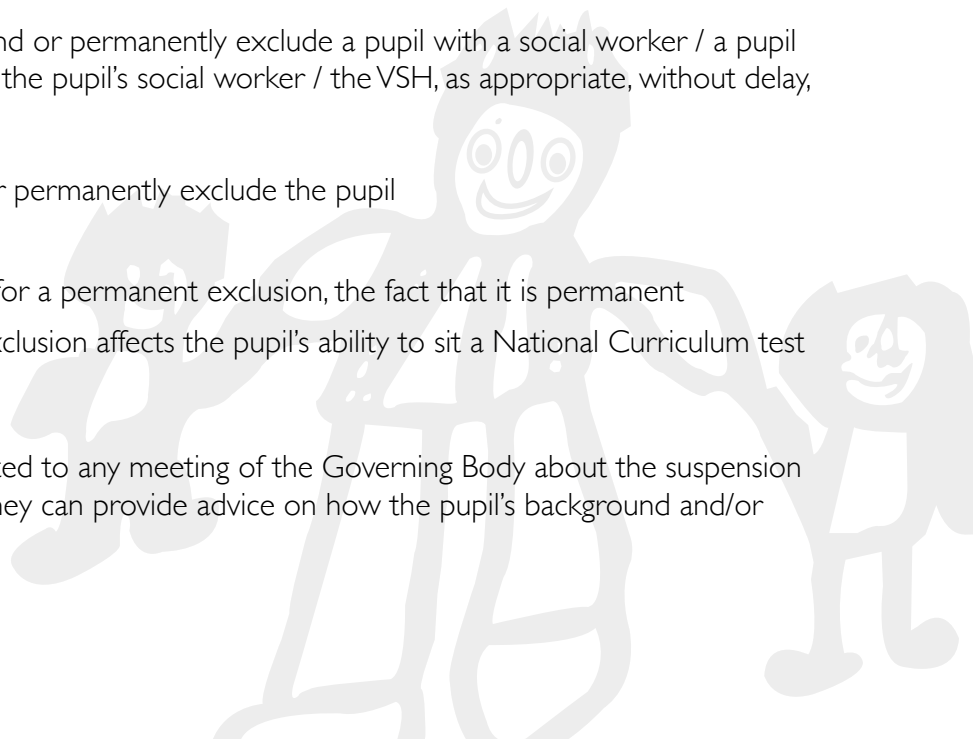
If a:

- Pupil with a social worker is at risk of suspension or permanent exclusion, the Joint Headteachers 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 Joint Headteachers will inform the VSH as early as possible and will 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 headteacher 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 exam (where relevant)

The social worker / VSH will be invited to any meeting of the Governing Body 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 considered.

The Governing Body

Responsibilities regarding suspensions/exclusions are held by the Governing Body. Where there is a legal requirement, the Governing Body must meet to consider the reinstatement of a suspended/excluded pupil.

The Local Authority

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

Considering the reinstatement of a pupil

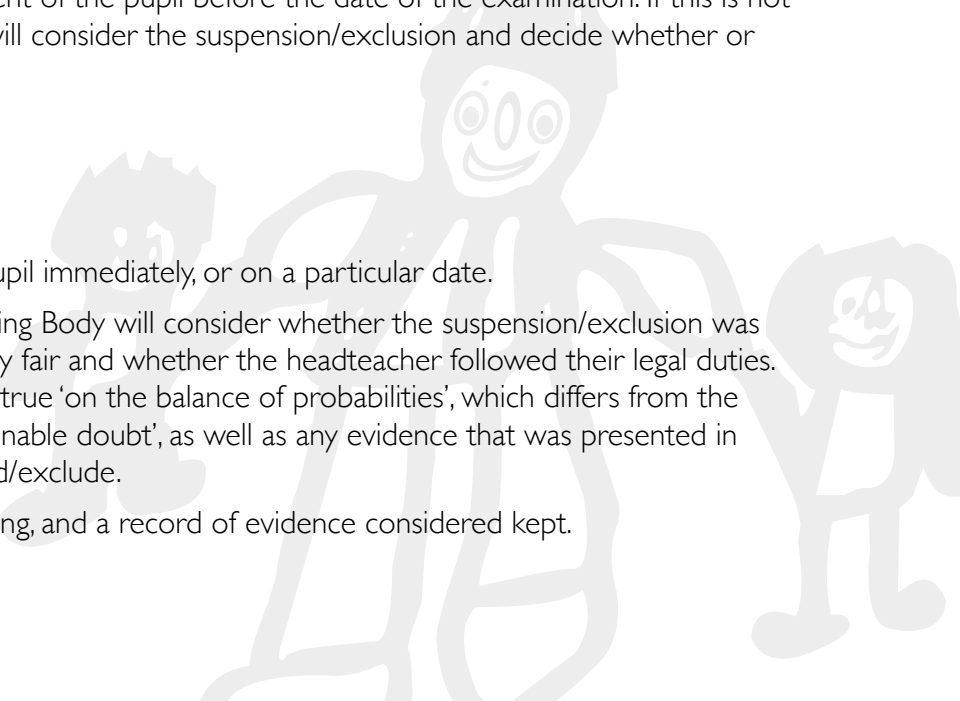
The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023 afford the Joint Headteachers the ability to cancel or rescind an exclusion before the Governing Body has considered whether the pupil should be reinstated. If this occurs, parents/carers, the Governing Body and Local Authority must be notified and if relevant, the social worker and VSH.

The Governing Body will consider the reinstatement of a suspended/excluded pupil within 15 school days of receiving the notice of the suspension/exclusion 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
- It would result in a pupil missing a public examination
- If requested to do so by parents/carers, the Governing Body will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the suspension/exclusion if the pupil would be suspended/excluded from school for more than 5 school days, but less than 15, in a single term.
- Where a suspension/exclusion would result in a pupil missing a public examination, the Governing Body will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Governing Body will consider the suspension/exclusion and decide whether or not to reinstate the pupil.

The Governing Body 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 Governing Body will consider whether the suspension/exclusion was lawful, reasonable, and procedurally fair and whether the headteacher followed their legal duties. They will decide whether 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/exclude.
- 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 Governing Body will notify, in writing, the Head, parents/carers and the LA of their decision, along with reasons for its decision, without delay.
- Where permanent exclusion takes place, the Governing Body's decision will also include the following:
 - The fact that it is a permanent exclusion;
 - Notice of parents/carers' 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 relevant to the exclusion;
 - That, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require the appointment of an SEN expert to attend the review;
 - Details of the role of the SEN expert and that there would be no cost to parents/carers for this appointment;
 - That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review;
 - That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review;
 - That if parents/carers believe that the suspension/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.

An independent review

If parents/carers apply for an independent review, the Local Authority will arrange for an independent panel to review the decision of the Governing Body 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/carers by the Governing Body of their decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the School Governors category and 2 members will come from the Headteachers 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 governor or volunteer;
- Governing Body member(s) who have served as a Governing Body member for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time;
- Headteachers or individuals who have been a Headteacher within the last 5 years.

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

- Are a member of the Local Authority;
- Are the Head of the excluding school, or have held this position in the last 5 years;
- Are an employee of the Local Authority, or the excluding school (unless they are employed as a Headteacher at another school);
- Have, or at any time have had, any connection with the Local Authority, school, Governing Body, parents/carers 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 2 years.

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Governing Body's decision;
- Recommend that the Governing Body reconsiders reinstatement;
- Quash the Governing Body decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed);
- The panel's decision can be decided by a majority vote. In the case of a tied decision, the Chair has the casting vote.

School registers

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

- 15 school days have passed since the parents/carers were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel; or
- The parents/carers 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 Governing Body will wait until that review has concluded before removing a pupil's name from the register.
- Where alternative provision has been made by the school for a suspended pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register. Where alternative provision has been made by the Local Authority for a suspended pupil and they attend it, code K (Alternative provision (LA arranged)) will be used.
- Where suspended pupils are not attending alternative provision, code E (absent) will be used.
- 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.

Returning from a suspension (fixed-term exclusion)

Following a suspension, a re-integration meeting will be held involving the pupil, parents/carers, a member of senior staff and other staff, where appropriate. The following measures may be implemented when a pupil returns from a suspension;

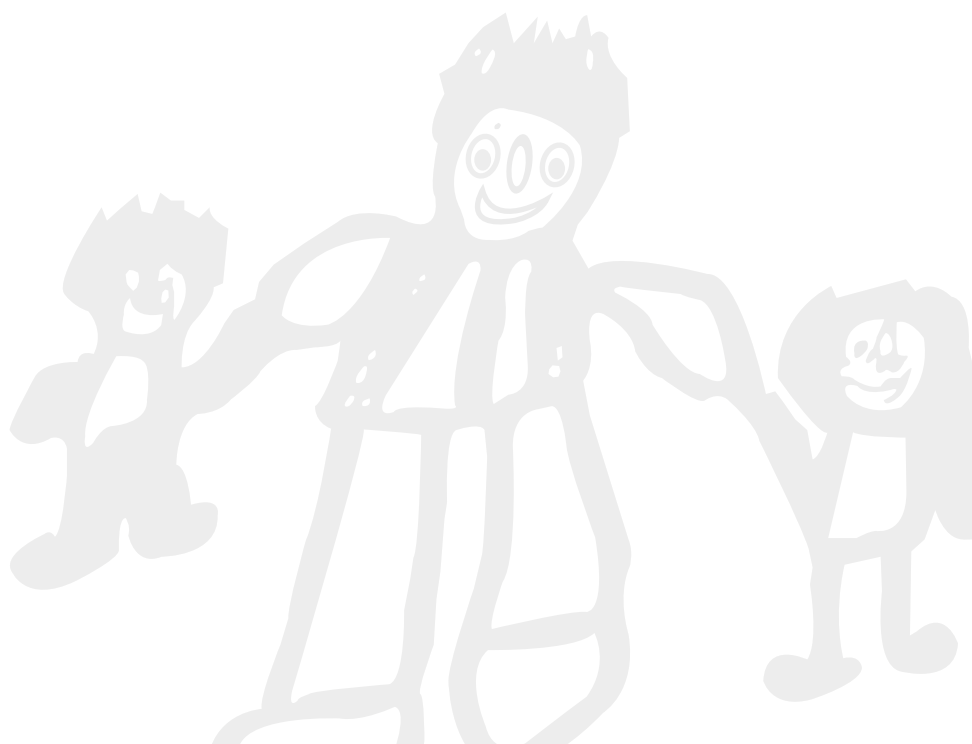
- Agreeing a behaviour contract between parents/carers, the pupil and the school to support the re-integration and reduce risks of further disruption to the pupils' education.

Reviewed by: Simon Knight

Date: June 2025

Approved by Governors:

Date: June 2025



Appendix I

Governors Disciplinary Committee

At the meeting

The Clerk should:

- Ensure that the Governors Disciplinary Committee has all of the information it requires, and that it has appointed a Chair for the meeting
- Invite all other parties in to the meeting at the same time, when the committee has indicated that it is ready to begin
- Prepare a written record of the meeting
- Stay with the committee to help them with references to their notes of evidence and in wording their decision.

Procedure for the Governors Disciplinary Committee

Before the meeting

- Election of a Chair for the meeting
- Confirm arrangements for a clerk (The clerk should not take any part in the proceedings)

During the Meeting - Agenda

Introductions

The Chair should:

- Explain the purpose of the meeting, which will be; for the Headteachers to make the case for suspension/exclusion to hear any representations the parents and the pupil may wish to make; and for the committee to consider whether or not to uphold the exclusion
- Circulate copies of this procedure; and
- Go through the procedure for the meeting as outlined below

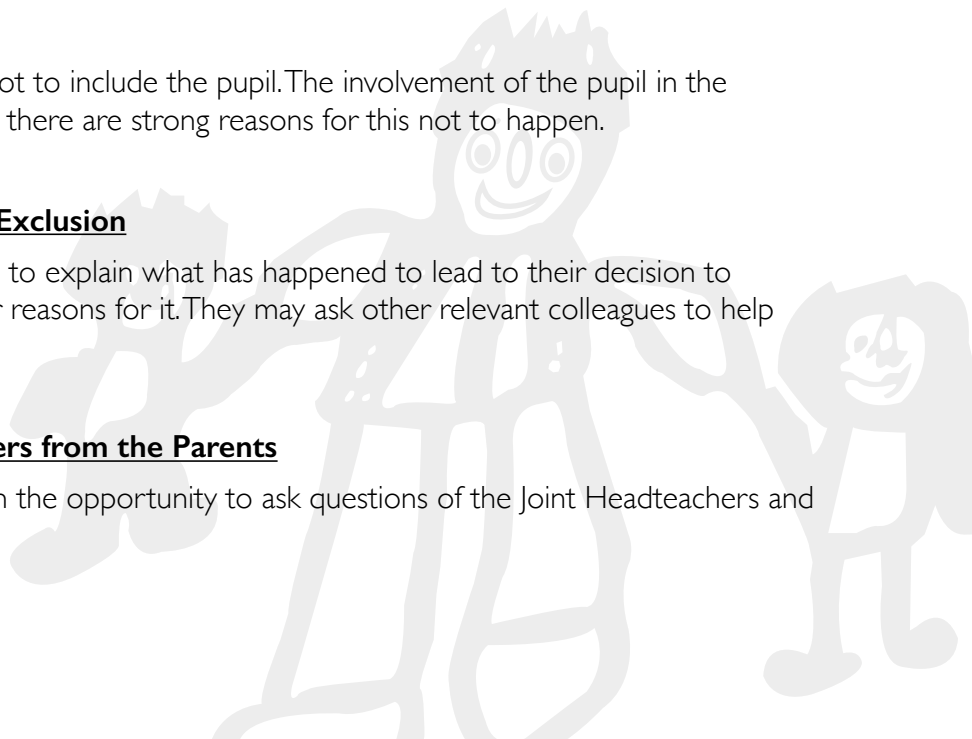
A decision will be made whether or not to include the pupil. The involvement of the pupil in the meeting should be encouraged, unless there are strong reasons for this not to happen.

The Joint Headteachers' Case for Exclusion

The Joint Headteachers will be invited to explain what has happened to lead to their decision to exclude the pupil and summarise their reasons for it. They may ask other relevant colleagues to help explain what has happened.

Questions to the Joint Headteachers from the Parents

The Parents and/or friend will be given the opportunity to ask questions of the Joint Headteachers and their colleagues.



Questions to the Joint Headteachers from the Committee

The Committee will be given the opportunity to ask questions of the Joint Headteachers and their colleagues.

The Parents' Representations / Views

The Parents, pupil and /or friend will be invited to present their views regarding the exclusion and any other related matters.

Questions to the Parents from the Joint Headteachers

The Joint Headteachers will be given the opportunity to ask questions of the parents, pupils and /or friend.

Questions to the Parents from the Committee

The Committee will be given the opportunity to ask questions of the parents, pupils and /or friend.

The Local Authority's Representations / Views

The Local Authority will be invited to present its views regarding the exclusion and any other related matters.

Questions to the Local Authority from all parties

All parties will be given the opportunity to ask questions of the Local Authority representative.

Social Care/Virtual School's Representations / Views (where appropriate)

Social Care/the Virtual School will be invited to present its views regarding the exclusion and any other related matters.

Questions to Social Care/Virtual School from all parties

All parties will be given the opportunity to ask questions of the Social Care/Virtual School representative.

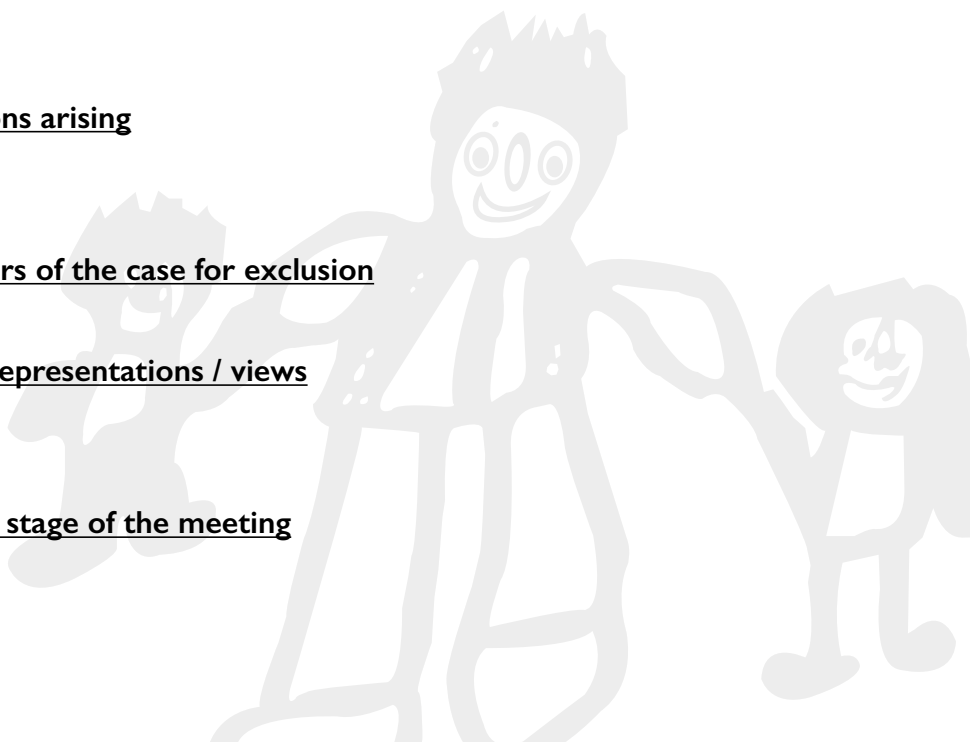
Any other related matters/questions arising

Any other questions

Summary by the Joint Headteachers of the case for exclusion

Summary by the parents of their representations / views

At the end of the Representations stage of the meeting



The Chair should explain:

- That there are two possible outcomes from this meeting:
 - That the Governors direct the Joint Headteachers to reinstate the pupils; or
 - That the Governors uphold the Joint Headteachers' decision to exclude the pupil
- That the Governors will be the only people involved in the decision making for this meeting
- That the Governors decision will be communicated to the parents, Joint Headteachers and the Local Authority in writing without delay, preferably within one school day of the meeting and, if applicable, that the Governors would be prepared to make their decision know verbally prior to this
- That everyone but the Committee members and the Clerk to the Committee will now be asked to withdraw

Making the decision

- The Joint Headteachers, the parent and the pupil may be invited back in to the meeting to offer further information and/or clarification. All parties should be invited in together
- The Governors should check that the Joint Headteachers have complied with the necessary procedural requirements
- Having checked that the Joint Headteachers have complied with the necessary procedural requirements, the Governors should make their decision and record their reasons for their decision
- The Committee should ensure that the necessary arrangements are made to inform parents, the Joint Headteachers and the Local Authority without delay, preferably within one school day.

After the Meeting

The Governors Disciplinary Committee should:

- Inform the parent, the Joint Headteachers and the Local Authority of the decision, in writing without delay, preferably within one school day of the meeting, stating the reasons for the decision. Where the pupil resides in a different LA, they must also inform the pupil's 'home' LA;
- A note of the Governing Body's views on the exclusion should be placed on the pupil's school record with copies of relevant papers.
- Where the Governors Disciplinary Committee upholds a permanent exclusion, there are specific requirements for what information should be included in the letters to parents. Model letters are contained on the OCC Intranet.

