

## Education

# Suspension & Exclusion Policy

CEO approval:	Sean Kelly
Trust Board Ratification:	School Improvement Committee
Last reviewed on:	Autumn 2025
Next review due by:	Autumn 2026

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## 1. Introduction

- 1.1 Our aim is that children and young people will learn and develop skills and character required to make this difference through our aim to foster confidence, curiosity and empathy. We believe they will progress with the confidence and character necessary to embrace life's challenges.
- 1.2 This policy aims to emulate the Trust's values, for all our children and young people to grow and blossom within our academies:
  - a) **Confidence:** Enabling success and strength of character through fostering confidence in our children and young people
  - b) **Challenge:** We are committed and challenge ourselves to only use suspension/exclusions as a last resort
  - c) **Curiosity:** We use an approach of enquiry to help us understand our pupils and their needs
  - d) **Character:** We demonstrate integrity, respect, kindness and empathy towards all our pupils and families when following the exclusion process. We never discriminate against a pupil and/or their family regarding suspension/exclusions
  - e) **Creativity:** We aim to use alternative methodologies to help meet the needs of our pupils and avoid the need for suspension/exclusions
- 1.3 This policy aims to ensure that:
  - a) Suspensions and exclusions are used only as a last resort
  - b) The suspension and exclusion process is applied fairly and consistently
  - c) The suspension and exclusion process is understood by the trust board, staff, parents and pupils
  - d) Pupils in our academies are safe and happy
  - e) Pupils do not become NEET (not in education, employment or training)

## 2. Responsibility for Exclusion

- 2.1 A suspension (previously known as a fixed term exclusion) is only administered by the Principal (or, in their absence, the Vice/Deputy Principal who is acting in that role).
- 2.2 A permanent exclusion is also administered by the Principal; however, this may only be administered after a process of appropriate representation has been made to the Chair of the Local Governing Body (LGB) and the Chief Executive Officer.

### 3. Legislation and statutory guidance

3.1 This policy has due regard to the related statutory legislation, including, but not limited to, the following:

- a) The Education Act 2002 (as amended by The Education Act 2011)
- b) The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- c) The Education and Inspections Act 2006
- d) The Education Act 1996
- e) The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (as amended 2014)
- f) The European Convention on Human Rights (ECHR)
- g) The Equality Act 2010

3.2 This policy has due regard to statutory and non-statutory guidance including, but not limited to, the following:

- a) DfE (2023) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral unit in England, including pupil movement'
- b) Behaviour in schools: advice for headteachers and school staff 2022
- c) DfE (2016) 'Behaviour and discipline in schools'
- d) DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'

3.3 This policy will be implemented in conjunction with the Trust and academies Relationships & Positive Behaviour Policies and procedures.

### 4. The decision to suspend and exclude

4.1 Only the Principal, or acting Principal, can suspend a pupil from the Academy. A permanent exclusion will be taken as a last resort.

4.2 The Trust 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."

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

- 4.4 A decision to suspend or exclude a pupil will be taken only:
- a) In response to serious or persistent breaches of the Trust/academy's Relationships & Positive Behaviour Policy, and
  - b) If allowing the pupil to remain in school would seriously harm the education or welfare of others
- 4.5 Before deciding whether to suspend or exclude a pupil, either permanently or for a fixed period, the Principal will:
- a) Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension/exclusion were provoked
  - b) Allow the pupil to give their version of events
  - c) Consider if the pupil has special educational needs (SEN)
  - d) Consider the support the pupil may require following a suspension
  - e) Seek support from the trust concerning permanent exclusions
- 4.6 Policy update: Principals may cancel a suspension/exclusion that has not been reviewed by the governing board. This practice is known as withdrawing/rescinding a suspension or permanent exclusion. If this occurs, parents, the governing body, and local authority should be notified, and if relevant, the social worker and the Virtual Schools Headteacher (VSH).
- 4.7 Definition of a school day:
- a) For the purposes of suspension/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.

## **5. Duty to inform Parent/Carers, Governors and the Local Authority**

### **5.1 Informing Parent**

- 5.1.1 The Principal will immediately provide the following information, without delay, in writing, to the parents of an excluded pupil:
- a) The reason(s) for the suspension
  - b) The length of the suspension or, for a permanent exclusion, the fact that it is permanent
  - c) Information about parents' right to make representations about the exclusion to the Pupil Exclusion Panel and how the pupil may be involved in this.
  - d) Where there is a legal requirement for the Pupil Exclusion Panel 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 bring a friend.

- e) If a parent requests for the Pupil Exclusion Panel meeting to be held via remote access, the following must be considered before making a request:
    - i. The technology that will be used for the meeting
    - ii. Does the parent have an appropriate space free from distractions to enable them to participate fully in a remote access meeting
    - iii. Where the parent has limited access to the internet, intermitted service or slower speed internet, they should not request a remote meeting
    - iv. Where the parent initially asked for a remote access meeting and then decided to withdraw the request, they should notify the arranging authority without delay. The arranging authority should then, without delay, arrange a face-to-face meeting.
  - f) Indicating that for the first five days of the exclusion, or until the start date of any alternative provision, or the end of the exclusion (whichever is earlier), parents/carers are legally required to ensure that their child is not present in a public place during school hours without justification and that parents/carers may receive a penalty fine if they fail to do so.
  - g) Notices can be given electronically if the parents/carers have agreed that correspondence can be sent in electronic form.
- 5.1.2 If alternative provision is being arranged, the following information will be included when notifying parents of a suspension/exclusion:
- a) The start date for any provision of full-time education that has been arranged
  - b) The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
  - c) The address at which the provision will take place
  - d) Any information required by the pupil to identify the person they should report to on the first day.
- 5.1.3 If relevant, the social worker and the Virtual Schools Headteacher (VSH) should also be notified, without delay.

## 5.2 Informing Governors and the Local Authority

5.2.1 The Principal will also inform the Local Authority, the Trust's CEO and the Chair and Clerk of the Pupil Exclusion Panel immediately of the following:

- a) Notify the LA of any suspension/exclusions, without delay. Legislative changes mean that this must be done regardless of the length of a suspension
- b) Any suspension which results in the student being excluded for more than five school days in any one term
- c) Any suspension/exclusion which would result in the student being absent from an examination or national curriculum test.

5.2.2 The Principal reports to the Local Governing Body (LGB) Cluster and the trust's CEO (via The Headteacher Report), who in turn reports all suspensions/exclusions to the Trust's Standards & Achievement committee on a termly basis.

## 6. Alternative Education Provision for Suspended/ Excluded Pupils

6.1 For any suspension of more than five days, the academy will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of an exclusion. For looked-after pupils, the academy and LA will work together to arrange alternative provision from the first day following suspension/exclusion.

6.2 Where it is not possible to arrange alternative provision during the first five days of suspension/exclusion the academy will ensure that reasonable steps are taken to set and mark work for the suspended/excluded pupil.

6.3 If a pupil with SEND has been excluded the following must take place:

- a) Any alternative provision must be arranged in consultation with the pupil's parent/carers.
- b) For pupils with an Education & Health Care Plan (EHCP), any changes to provisions must be done in consultation with parent/carers.

6.4 For secondary schools only (Unity, Westbury and Woodlands Academies), provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

## 7. Reintegration after a suspension, including reintegration timetables

7.1 A reintegration strategy should be communicated at a reintegration meeting before or at the beginning of the pupil's return to school.

7.2 Raleigh Education Trust does not label a pupil by a behaviour(s) but does believe in the importance of all parties, including the child reflecting on the behaviour that may have led to the suspension and together agreeing on the next steps.

7.3 The use of reintegration timetables may be used to support a pupil back into education. However, these must be done in agreement with parent/carers, formally documented and regularly reviewed.

## 8. The Pupil Exclusion Panel

- 8.1 Parent/carers can make representations about exclusions to the Pupil Exclusion Panel.
- 8.2 If relevant, social workers and the Virtual Schools Headteacher should be invited to attend the Pupil Exclusion Panel meeting.
- 8.3 If a suspension does not amount to more than five school days within a term, the Pupil Exclusion Panel is not obliged to consider the matter.
- 8.4 In the case of suspensions, where the number of school days exceeds five school days but is less than fifteen, any requests from parent/carers will be considered by the Pupil Exclusion Panel, within 50 school days of receiving the notification.
- 8.5 Considering the reinstatement of a pupil.
- 8.6 The Pupil Exclusion Panel will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:
  - a) The exclusion is permanent
  - b) It is a suspension which would bring the pupil's total number of school days of exclusion to more than 15 in a term
  - c) It would result in a pupil missing a public examination
- 8.7 Parent/carers and the academy Principal will be invited to make representation each time the Pupil Exclusion Panel convenes.
- 8.8 In the case of a pupil missing a public examination/test because of suspension/exclusion, the Pupil Exclusion Panel will consider the suspension/exclusion before the examination/test takes place, to decide whether the pupil should be reinstated in time. The Pupil Exclusion Panel may also consider whether it would be appropriate to allow the pupil to enter the academy premises during their exclusion, to sit the examination/test.
- 8.9 Before a Pupil Exclusion Panel meeting:
  - a) All written evidence/information must be circulated with all parties at least five school days in advance of the meeting.
  - b) Parent/carers and pupils are to be notified and allowed to be accompanied by a person of their choice at the meeting.
  - c) Ensure all reasonable adjustments are in place to support the attendance/contribution of all parties at the meeting.
- 8.10 Pupil Exclusion Panel meetings can be held via the use of remote access (for example, live video link) if requested by the parent/carers. However, meetings via remote access are not a default option and will only be done if governing bodies or arranging authorities are satisfied. This should be in line with 'Annex A of the ['Suspension and Permanent Exclusion from maintained schools, academies and pupil referral unity in England, including pupil movement'](#) guidance and 5.1.1.(e) of this policy.



## 9. The Panel Meeting

- 9.1 All information/discussions that are shared within the meeting is confidential (unless concerning safeguarding).
- 9.2 All parties will have an opportunity to be heard, without fear of judgement and/or discrimination.
- 9.3 The Pupil Exclusion Panel will ensure that clear minutes are taken, and these can be accessible by all parties on request.
- 9.4 The Clerk will notify the parent/carers, Principal and Local Authority (including social worker/VSH, if relevant) of the Panel's decision, including the reasoning for this, without delay. The written notification can be delivered directly to parents, or hand-delivered, or posted first class to their last known address.
- 9.5 In the event of a permanent exclusion, where the Pupil Exclusion Panel has decided against the reinstatement of the pupil, the parent/carers will be notified of the following:
  - a) The exclusion is permanent and to inform them of their right to have this decision reviewed by an Independent Review Panel (IRP). In line with the DfE's statutory guidance 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement 2023'
  - b) The date on which an application for review must be made
  - c) The name and address of whom the application for review should be submitted to
  - d) That the application should set out the grounds on which they are appealing
  - e) The parent/carers has the right to the attendance of a SEND expert at the review at no charge
  - f) The parent/carers must make it clear if they wish for a SEND expert to attend the review prior to the meeting
  - g) The parent/carers can appoint representation at their own expense to attend the review panel
- 9.6 As stated in 8.10. the IRP can also be held via the use of remote access (for example, live video link) if requested by the parent/carers, provided certain criteria are satisfied as stated in this policy - 5.1.1.(e) and 8.10.
- 9.7 Please refer to section 10 for information on how a remote access meeting will run.
- 9.8 The Pupil Exclusion Panel will inform the parent/carers if they believe the exclusion has been issued because of discrimination. They are required to make the 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.

9.9 The following information/guidance will also be included in the letter notifying parent/carers of the decision to uphold the permanent exclusion:

a) A link to the statutory guidance on exclusions:

<https://www.gov.uk/government/publications/school-exclusion>

b) A link to the guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

c) A link to sources of impartial advice for parents such as the Coram Children's Legal Centre

[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

d) ACE Education and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time)

[www.ace-ed.org.uk](http://www.ace-ed.org.uk)

e) Where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network

f) The National Autistic Society (NAS) School Exclusion Service (England)

[www.councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about](http://www.councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about)

g) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk) ), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

## 10. Independent Review Panel Meeting (IRP)

10.1 The IRP ensure there is a robust process of scrutiny and that exclusions are lawful, reasonable, and procedurally fair.

10.2 If an IRP is applied by parents within the legal time frame of 15 school days of the notice received for not reinstating a permanently excluded pupil by the Pupil Exclusion Panel, Raleigh Education Trust will arrange an IRP to review this decision.

10.3 Any application made outside of the 15 days' time frame will be rejected by the Trust.

10.4 Raleigh Education Trust will arrange and carry out the IRP meeting in line with part nine of the '[Suspension and Permanent Exclusion from maintained schools, academies and pupil referral unit in England, including pupil movement](#)' guidance.

## 11. Running a remote access Pupil Exclusion Panel and/or Independent Review Panel

- 11.1 A remote access meeting must be held fairly and transparently, ensuring the arranging authority has made every effort to check all participants understand the proceedings and are made aware of how to raise any issues that may prevent their effective engagement.
- 11.2 To ensure the meeting runs smoothly the arranging authority should:
- a) Provide clear instructions about how to join the meeting virtually, distributing in a timely manner
  - b) Indicate a named person whom parents or any participant should contact if they have any questions before the meeting takes place
  - c) Consider holding a 'test meeting' with any participants to check the available technology is suitable, and participants understand how to access the meeting
  - d) Ensure that the chair of the meeting is prepared to explain the agenda at the start of the meeting and provide clear guidance on how the meeting will be run, for example:
    - i. How participants should indicate they wish to speak
    - ii. How any 'chat' functions should be used
    - iii. Whether there will be any breaks in proceedings
    - iv. How parents can access advocacy services during the meeting

## 12. Equality Impact Statement

- 12.1 The Raleigh Education Trust (the "Trust") is a champion of all forms of equality and this policy was constructed with these objectives in mind. Under the public sector equality duty of the Equality Act 2010, our trust must have due regard to the need to:
- a) Eliminate discrimination, harassment and victimisation.
  - b) Advance equality of opportunity between people who share a protected characteristic and those who do not; and
  - c) Foster good relations between people who share a protected characteristic and those who do not.