

Suspension and Exclusion Policy





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V1	KD	PAW	Sept 23	First draft
V2	KD	PAW	Sept 24	Changed exclusion to suspension. Contact CEO prior to PEX
V3	KD	PAW	SEpt 25	Included ref to pupil movement 2024 guidance Included detail around exclusions for part of the school day Strengthened wording around illegal exclusions Added detail about considerations prior to decision Added detail around Headteacher cancelling a suspension or PX prior to board meeting to reconsider reinstatement. Added AP advice and Critical incident review Removed all reference to LGB to reflect delegated responsibilities of Trust board aligned with Scheme of Delegation. Appendices updated to reflect the above changes to the policy

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1. Introduction/Aims

- 1.1. As an inclusive organisation White Woods Primary Academy Trust believes that:
- All schools should develop a supportive, relational culture where any exclusion or suspension is seen as a last resort, after exhausting all other options.
 - Suspensions should be viewed not solely as a sanction, but as a mechanism to provide support and plan interventions to help pupils remain in school.
- 1.2. The aim of the Trust policy is to ensure:
- The suspension and exclusion process is applied fairly and consistently both within and across schools;
 - the suspension and exclusion process is understood by trustees, governors, staff, parents and pupils;
 - The Trust and Schools fulfil their duties as set out in the equalities act 2010
 - pupils in schools are safe and happy.
 - pupils are not at risk of becoming NEET (not in education, employment, or training).

2. Legislation and statutory guidance

- 2.1. 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 Guidance for maintained schools, academies, and pupil referral units in England, including pupil movement(August 2024).
- 2.2. 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
Sections 64-68 of the School Standards and Framework Act 1998
- 2.3. 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 the '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
- 2.4. This policy complies with our funding agreement and articles of association.

3. The decision to suspend or exclude

- 3.1. Only the headteacher, head of school or acting headteacher, can suspend or permanently exclude a pupil from school. A permanent exclusion will be taken as a last resort.
- 3.2. Suspensions may be for a part of the school day, such as lunchtimes, which count as half a school day for reporting and review purposes.
- 3.3. Our Trust/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.”
- 3.4. The Trust recognises that unlawful exclusions are prohibited. These include: asking pupils to go home informally ('to cool off'), excluding pupils because of unmet SEN or disability needs, or issuing conditional exclusions (e.g. until a meeting is held)
- 3.5. We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.
- 3.6. A decision to suspend or permanently exclude 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 the welfare of others.
- 3.7. Before deciding whether to suspend or permanently exclude a pupil, the headteacher will:
- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension/exclusion were provoked.
 - The headteacher will take into account the pupil's views, considering their age and understanding before reaching a decision.
 - Consider if the pupil has special educational needs (SEN)
 - Safeguarding considerations, including the welfare of the pupil and risks of child-on-child abuse, must always inform the decision to suspend or permanently exclude
 - Consult with the Trust School Performance team, COO or CEO. Those consulted with must not sit on an exclusion review panel.

- Check that time has been given to addressing and supporting the pupil's individual problems within the capabilities of the school, having due regard to the Equality Act 2010 and SEND code of practice.

3.8. Before deciding to exclude a pupil permanently, the Headteacher will first ensure that an appropriate graduated response has been implemented, trying a range of strategies as outlined in the child's individual support plan and external support and advice has been sourced. Only when all of the above have been tried without success will the Headteacher consider permanent exclusion. The exception to this will be where a one-off incident of sufficient gravity has taken place.

3.9. Prior to issuing a permanent exclusion, the Headteacher must consult with the Trust Performance Team, COO or CEO.

3.10. A headteacher may cancel a suspension or permanent exclusion prior to a Trust Board meeting to consider reinstatement. In such cases, parents, the Trust Board, and the local authority must be notified immediately, and any record of the exclusion amended

3.11. If a permanent exclusion is issued, a full critical incident review will be presented to the Trust Board.

4. Roles and responsibilities

4.1. The Headteacher

- 4.1.1. The headteacher will immediately provide the following information, in writing, to the parents of a suspended or excluded pupil:
- The reason(s) for the suspension or permanent exclusion:
 - The length of a suspension or, for a permanent exclusion, the fact that it is permanent.
 - Information about parents' right to make representations about the suspension or permanent exclusion to the governing body (Trust Board) and how the pupil may be involved in this.
 - Where there is a legal requirement for the governing 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.
- 4.1.2. The headteacher will notify parents by the end of the afternoon session on the day their child is suspended or excluded that for the first 5 school days of an exclusion, 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.

- 4.1.3. If any alternative or off site provision is also being arranged, the following information will be included when notifying parents of a suspension or exclusion:
- The start date for any provision 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.
- 4.1.4. 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 or exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.
- 4.1.5. Before any alternative provision commences the Headteacher must ensure that all statutory checks have taken place including ascertaining whether the provision is registered with OFSTED. They MUST seek advice from the School Performance team and submit the Trust due diligence document to the CEO or COO and School Performance Lead.

4.2. The governing board and local authority

- 4.3. The headteacher will immediately notify the Trust CEO or COO, School Performance Team, governing board and the Local Authority (LA) of:
- A permanent exclusion, including when a suspension is made 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.
- 4.4. For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.
- 4.5. For all other suspensions, the headteacher will notify the governing board and Local Authority once a term.

4.6. The governing board

- 4.6.1. Responsibilities regarding reviewing suspensions and permanent exclusions is delegated to members of the Trust Board coordinated by the Chair of Trust Board who form part of the Student Disciplinary Committee (SDC).

- 4.6.2. The Student Disciplinary Committee (SDC) has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see section 6).
- 4.6.3. Within 14 days of receipt of a request, the Trust board will provide the secretary of state with information about any suspensions and permanent exclusions in the last 12 months.
- 4.6.4. For a suspension of more than 5 school days, the Trust board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.
- 4.6.5. 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.

4.7. The Local Authority

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

5. Considering the reinstatement of a pupil.

- 5.1. Student Disciplinary Committee (SDC) will consider the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or 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.
- 5.2. If parents request it, the governing board must convene a meeting to consider representations regarding the reinstatement of a pupil suspended for more than 5, but fewer than 16, school days in a single term—within 50 school days of receiving notice of the suspension. However, at this level of suspension, the board does not have the power to reinstate the pupil.
- 5.3. Where a suspension or permanent exclusion would result in a pupil missing a public examination, the Student Disciplinary Committee (SDC) will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Student Disciplinary Committee (SDC) will consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.
- 5.4. Where a suspension or permanent exclusion would result in a pupil missing a public examination, the Student Disciplinary Committee (SDC) will consider the reinstatement of

the pupil before the date of the examination. If this is not practicable, the Student Disciplinary Committee (SDC) will consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

5.5. Student Disciplinary Committee (SDC) can either:

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

5.6. In reaching a decision, the Student Disciplinary Committee (SDC) will consider whether the suspension or permanent exclusion was lawful, reasonable and procedurally fair and whether the headteacher 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 exclude.

5.7. 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.

5.8. The Student Disciplinary Committee (SDC) will notify, in writing, the headteacher, parents and the LA of its decision, along with the reasons for its decision, without delay.

5.9. Where an exclusion is permanent, the decision of the Student Disciplinary Committee (SDC) 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 White Woods Primary 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.

6. An independent review

- 6.1. If parents apply for an independent review, the Trust will arrange for an independent panel to review the decision of the SDC not to reinstate a permanently excluded pupil.
- 6.2. Applications for an independent review must be made within 15 school days of notice being given to the parents by the Student Disciplinary Committee (SDC) of its decision to not reinstate a pupil.
- 6.3. A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Suitably skilled persons who are independent from the individual school involved and who have had no prior involvement with the decision to exclude/suspend. A person may not serve as a member of a review panel if they:
 - Are a member of the governing board of the excluding school.
 - Are the headteacher of the excluding school or have held this position in the last 5 years.
 - Are an employee of the Trust, or the governing board, of the excluding school (unless they are employed as a headteacher at another school).
 - Have, or at any time have had, any connection with the Trust, school, governing 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 2 years (see appendix 1 for what training must cover).
- 6.4. A clerk will be appointed to the panel.
- 6.5. The independent panel will decide one of the following:
 - Uphold the SDC decision.
 - Recommend that the Trust board reconsiders reinstatement.
 - Quash the SDC decision and direct that the Trust Board 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.

7. School registers

- 7.1. 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 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.

- 7.2. Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.
- 7.3. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.
- 7.4. Where excluded pupils are not attending alternative provision, code E (absent) will be used.

8. Returning from a suspension.

- 8.1. Following a suspension, a reintegration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.
- 8.2. The following measures may be implemented when a pupil returns from a suspension:
- Agreeing on a behaviour contract or support plan
 - Arranging staggered integration back into the classroom
 - Restorative conversations as/if appropriate
 - Arranging a risk assessment
 - These will be recorded and shared with parents.

9. Monitoring arrangements

- 9.1. The Headteacher/SLT member monitors the number of suspensions and permanent exclusions every term and reports these to the LGB and Trust Board. They also liaise with the local authority to ensure suitable full-time education for suspended and excluded pupils.
- 9.2. This policy will be reviewed every year. At every review, the policy will be shared with the Trust Board.

10. Links with other policies

This exclusions policy is linked to our:

- Relationship & Behaviour policy
- SEND policy and information report
- Safeguarding Policy

11. Equality Impact Statement

- 11.1. The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:
- eliminate discrimination and other conduct that is prohibited by the Act
 - advance equality of opportunity between people who share a protected characteristic and people who do not share it

- foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

11.2. In the development of this policy due regard has been given to achieving these objectives, further to which we will champion equality in all its forms, in keeping with our values.

12. Appendices

12.1. Please refer to the [supporting documents](#) in the Trust Policy shared drive for letter templates and checklists to support you in managing exclusions and suspensions