Suspension and Exclusion Policy

Ratified by Trust Board: September 2025

1. Aims

Our school aims to ensure that:

- The suspensions process is applied fairly and consistently
- The suspensions process is understood by governors, staff, parents and students
- Students in school are safe and happy
- Students do not become NEET (not in education, employment or training)

2. Other Policies

This policy should be read in conjunction with the following:

- Behaviour for Learning Policy
- Anti-Bullying Policy
- Safeguarding & Child Protection Policy
- SEN Policy
- Single Equality Scheme Policy
- Uniform Policy

3. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Suspension and Permanent Exclusions from maintained schools, academies and pupil referral units in England.

It is based on the following legislation, which outline schools' powers to exclude students:

- 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
- 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 students
- Section 579 of the Education Act 1996, which defines '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

4. The decision to suspend

Only the Headteacher, or acting Head of School, can suspend a student from school on disciplinary grounds. A permanent exclusion will be taken as a last resort. A decision to suspend a student will be taken only:

- In response to serious or persistent breaches of the school's Behaviour Policy, and
- If allowing the student to remain in school would seriously harm the education or welfare of the pupil or others, such as staff or pupils in the school

Any decision made by the Headteacher, including suspension or permanent exclusion, must be lawful, reasonable, fair and proportionate. When establishing the facts, the Headteacher must apply the civil standard of proof ie: 'on the balance of probabilities' it is more likely than not that a fact is true.

A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year.

A suspension can be for parts of the school day eg: a lunchtime suspension. Lunchtime suspensions count as half a day.

Work should be set for pupils during any period of suspension to minimise disruption to their education.

A suspension may not be extended or converted into a permanent exclusion. In exceptional cases, where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

The Headteacher may cancel any exclusion that has already begun, but this should only be done when it has not yet been reviewed by the LAB.

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment. Before deciding whether to exclude a student, either permanently or suspend for a fixed period, the Headteacher will:

- Consider all the relevant facts and evidence
- Allow the student to give their version of events
- Consider if the student has special educational needs (SEN)
- Provide clarity for parents on all aspects of behaviour within the Academy and allow parents, staff and students to support each other in creating the best possible learning environment

Local Advisory Board members will also consider the following points when making their decision:

- Facts are fully investigated and all evidence considered (witness statements)
- Pupil given opportunity to give his/her version of events (if practicable)
- Facts established on the balance of probabilities
- Evidence to show pupil was responsible before decision taken
- Alternative to suspension or exclusion considered

- Contributing factors (eg bereavement, bullying, mental health issues)
- Legal duty of care to all members of school community
- Equality duties (must not discriminate – sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; gender reassignment)
- Early intervention/assessment of needs – including consideration of additional support for SEN, FSM, CLA and ethnic groups (Gypsy/Roma; Travellers of Irish Heritage; Caribbean pupils); as far as possible, the exclusion of pupils with EHC plans and CLA should be avoided
- SEN Code of Practice (if applicable)
- Multi-agency involvement in the case of persistent disruptive behaviour

Definition

For the purposes of suspensions or exclusions, 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. Roles and responsibilities

5.1 The Headteacher

Informing parents

- The Headteacher will immediately provide the following information, in writing, to the parents of a suspended or excluded student:
- The reason(s) for the suspension or 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 exclusion to the Local Advisory Board and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Local Advisory Board to meet to consider the reinstatement of a student, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Headteacher will also 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 a suspension or 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.

If alternative provision is being arranged, the following information will be included when notifying parents of a suspension or 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 student 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 a suspension exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the Local Advisory Board and Local Authority

The Headteacher will immediately notify the Local Authority (LA) about any suspension, regardless of the length of the suspension.

The Headteacher will immediately notify the Local Advisory Board (LAB) and the Local Authority (LA) of:

- A permanent exclusion, including when a suspension is made permanent
- Suspensions which would result in the student being suspended for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions which would result in the student missing a public examination or national curriculum test

For a permanent exclusion, if the student lives outside the LA in which the school is located, the Headteacher will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.

If a pupil has a social worker or if the pupil is looked after, the Headteacher must also notify the social worker or Virtual School Head without delay.

For all other exclusions, the Headteacher will notify the LAB once a term.

5.2 The Local Advisory Board:

Responsibilities regarding suspensions or permanent exclusions are delegated to the Pupil Exclusions Committee.

The Pupil Exclusions Committee has a duty to consider the reinstatement of a suspended or permanently excluded student (see section 6).

Within 14 days of receipt of a request, the Local Advisory Board will provide the secretary of state with information about any suspensions or permanent exclusions in the last 12 months.

For a suspension of more than 5 school days, the LA will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the suspension. Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

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

6. Considering the reinstatement of a student

The Pupil Exclusions Committee will consider the reinstatement of a suspended or permanently excluded student within 15 school days of receiving the notice if:

- The exclusion is permanent
- It is a suspension which would bring the student's total number of school days of exclusion to more than 15 in a term
- It would result in a student missing a public examination or national curriculum test

If requested to do so by parents, the Pupil Exclusions Committee will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where a suspension or exclusion would result in a student missing a public examination, the Pupil Exclusions Committee will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Pupil Exclusions Committee will consider the suspension or exclusion and decide whether or not to reinstate the student. Where the chair is unable to make this consideration, then the vice-chair may do so instead. In the case of an academy, the suspension or exclusion may be considered by a smaller sub-committee if the trust's articles of association allow them to do so. In such cases, parents still have the right to make representations to the LAB and must be made aware of this right.

The Pupil Exclusions Committee can either:

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

In reaching a decision the Pupil Exclusions Committee will consider whether the suspension or 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.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the student's educational record.

The Pupil Exclusions Committee will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Pupil Exclusions Committee 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 student's SEN are considered to be relevant to the exclusion
    - That, regardless of whether the excluded student has recognised SEN, parents have a right to require the 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 suspension or 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

7. An independent review

If parents apply for an independent review, the Constellation Trust will arrange for an independent panel to review the decision of the Local Advisory Board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Pupil Exclusions Committee of its decision to not reinstate a student.

Applications must be sent to the Admissions Team, Children and Young People's Services, Room 128, Guildhall, Alfred Gelder Street, Hull, HU1 2AA. In undertaking a review, the panel can make one of three decisions: they may uphold the exclusion decision; they may recommend that the Management Board reconsiders their decision; or they may quash the decision and direct the Management Board to consider the exclusion again

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 Headteacher 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
- School governors who have served as a governor 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/director of the academy trust, or LAB 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 academy trust, or the Local Advisory 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 academy trust, school, LAB, 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)

A clerk will be appointed to the panel. The independent panel will decide one of the following:

- Uphold the LAB decision
- Recommend that the LAB reconsiders reinstatement
- Quash the LAB decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed - the panel's decision should not be influenced by any stated intention of the parents or pupil not to return to the school)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

8. School registers

A student'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 student 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

Where an application for an independent review has been made, the LAB will wait until that review has concluded before removing a student's name from the register.

Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded students are not attending alternative provision, code E (absent) will be used.

9. Returning from a suspension

Following a suspension, a re-integration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented, in line with the school's positive behaviour policy graduated response, when a pupil returns from a suspension:

- Agreeing a behaviour contract
- Putting a pupil 'on report'
- Internal isolation
- Consideration of a managed move
- Consideration of a move to alternative provision

10. Monitoring arrangements

The Headteacher monitors the number of suspensions and exclusions every term and reports back to the LAB. They also liaise with the local authority to ensure suitable full-time education for suspended or excluded students

This policy will be reviewed by every 2 years. At every review, the policy will be shared with the Local Advisory Board.

Appendix 1: Independent review panel training

The academy trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of Headteachers, LABs and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act