

# Pupil Exclusion and Suspension Policy

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| <b>Approved by</b>   | Standards Committee |
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## Legal/Regulatory Requirements

This policy and its related procedures exist to ensure that LCT meets compliance with the following:

- [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(2024\)](#)
- [Education Act 2002](#)
- [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)
- [Education and Inspections Act 2006](#)
- [Education Act 1996 \(Section 579\)](#)
- [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)
- [The Equality Act 2010 Part 6 Ch1](#)
- Children and Families Act 2014

## Policy statement

The Learning Community Trust (LCT) recognises that good behaviour in schools is essential for ensuring that all pupils benefit from the opportunities provided by education.

The LCT aims to meet its commitments to this by:

- fostering a positive and safe learning environment for pupils to thrive within.
- ensuring a fair and consistent approach is applied when using suspensions and exclusions.
- only using suspensions and exclusions as a last resort for maintaining high standards of behaviour and ensuring the safety of the community.
- ensuring other behaviour management approaches have been exhausted first where possible.
- ensuring that academies never 'off-roll' a pupil by:
  - Removing a pupil from the academy roll without a formal, permanent exclusion,
  - Encouraging a parent/carer to remove their child from the academy roll,
  - Retaining a pupil on the academy roll but not allowing them to attend normally, without a formal permanent exclusion or suspension
- ensuring that a suspension or exclusion is never used because a:
  - pupil has a special educational need and/or disability an academy feels unable to support.
  - pupil has a poor academic performance.
  - pupil hasn't met a specific condition, such as attending a reintegration meeting.

## Responsibilities

The Standards Committee is responsible for:

- approving the policy and subsequent amendments to it.
- monitoring performance and providing onward assurance to Board that this is satisfactory.

The Head of Governance are responsible for:

- reviewing this policy and recommending appropriate amendments.
- designing and providing training for staff on the policy and its related procedures.
- issuing guidance in relation to the use and implementation of procedures.
- investigating and responding to breaches of the policy and its related procedures.
- providing assurance to Standards Committee that the policy and procedures in place remain fit for purpose.

The Heads/Principles are responsible for:

- understanding how the policy applies to their area and ensuring it is applied correctly.
- ensuring their staff are aware and understand the policy along with its related procedures.
- ensuring that staff who require training for their work have completed this.
- deciding whether a suspension or exclusion should be issued.
- ensuring education is provided during a suspension or permanent exclusion for the first 5 days
- deciding whether a suspension or permanent exclusion should be cancelled.
- ensuring the admission register is up to date.

- ensuring a smooth return for a pupil returning from a suspension or cancelled suspension/exclusion.

The relevant Director of Education and Chief Executive are responsible for:

- ensuring that all suspensions and permanent exclusions are in line with academy and trust mission, mission and values, intervening when required, that may include terminating the action, if and when required.

All staff are responsible for:

- ensuring they comply with this policy, its procedures and any guidance issued in relation to it.

## **Arrangements**

The arrangements for this policy will be recorded within procedures which alongside this policy will be reviewed to ensure that they are kept up to date.

The Head of Governance can make minor amendments to the procedures such as:

- correcting spelling and grammar mistakes.
- making consequential updates i.e. changes to job titles.
- making any other non-substantive changes that would not contradict this policy.

Any substantive changes to the procedures or anything that requires a change to the policy itself will need to be approved by the Standards Committee first.

## **Review of Policy**

This policy will be reviewed every 3 years, or sooner if warranted by internal or external events or changes and any amendments proposed submitted to Standards Committee for approval.

## PUPIL EXCLUSION & SUSPENSION PROCEDURES

### Issuing a suspension or exclusion

Only the Headteacher/Principal, or acting, can suspend or permanently exclude a pupil on disciplinary grounds in respect of behaviour inside or outside of the academy.

If a pupil is at risk of suspension or exclusion, the following will be informed as early as possible, to work together to consider the possible causes and what support can be put in place to improve behaviour:

- Parents/carers
- The pupil's social worker (where applicable)
- The pupil's Virtual School Head, (where applicable)

Before deciding whether to suspend or exclude a pupil, they will consider:

- all the relevant evidence, including whether the incident(s) was provoked
- the pupil's version of events\*
- whether the pupil has special educational needs (SEN)
- whether the pupil is vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- whether all alternative solutions have been explored, such as:
  - detentions or other sanctions provided for in the academy's behaviour policy
  - off-site direction or managed moves

\*Pupils who need support will be allowed to have their views expressed through an advocate, such as a parent/carer or social worker.

A decision to suspend will only be taken:

- in accordance with the academy's behaviour policy
- to provide a clear signal of what is unacceptable behaviour
- to show a pupil that their current behaviour is putting them at risk of permanent exclusion

Where suspensions have become a regular occurrence, they will consider whether additional strategies need to be put in place to address behaviour issues.

A decision to exclude will only be taken for serious or persistent breaches of the behaviour policy, and if allowing the pupil to remain would seriously harm the education or welfare of others (both pupils and staff).

No exclusion or suspension should carry over a holiday (except bank holidays) unless significant support needs to be put into place in preparation for the pupil reintegration into the academy. Where support needs demand that a suspension extends over a holiday the relevant Head/Principal will have to seek Education Director approval.

Where the decision is taken to suspend or permanently exclude a pupil the parents/carers will be informed in person or by telephone by the end of the afternoon session and subsequently in writing of the following:

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- How the parents/carers can request a review or appeal of the decision.
- The parents/carers right to attend an appeal meeting where it is legally required to meet.
- The parents/carers right to be represented at the meeting (at their own expense) and bring a friend.
- The parents/carers right to request that the meeting be held remotely
- For the first 5 school days of an exclusion (or until the start of alternative provision or end of suspension, whichever earliest), that they must ensure their child is not present in a public place during academy hours or they may be given a fixed penalty notice or prosecuted.
- Where alternative provision is being arranged the location, start date and times and any information the pupil needs to identify the person they should report to on the first day.

- Whether this will affect the pupil's ability to sit a National Curriculum test or public exam.

If not all the information about the alternative provision arrangements is available by the end of the afternoon session, this can be provided later, but no later than 48 hours before the provision is due to start.

The only exception to this is where this is to be provided before the sixth day of a suspension or permanent exclusion, in which case this can be provided with less than 48 hours' notice, with parents/carers' consent.

The following will also be informed of all the details above without delay:

- Telford & Wrekin Council Exclusion team
- The pupil's social worker (where applicable)
- The pupil's Virtual School Head, (where applicable)
- The Head of Governance where:
  - A pupil has been permanently excluded.
  - A pupil's suspension will, alone or in conjunction with previous exclusions, bring the total number of days out of school to more than 15 in a term.
  - A pupil will miss a public exam or national curriculum test

## **Providing Education during a suspension or permanent exclusion**

During the first five days of a suspension, if the pupil:

- Is not attending alternative provision, steps will be taken to ensure achievable and accessible work is set and marked for the pupil including the use of online pathways.
- has a special educational need or disability reasonable adjustments will be made where necessary.
- is looked after or if they have a social worker, all efforts will be made to provide Alternative Provision from the first day following the suspension or permanent exclusion. If not possible, reasonable steps will be taken to set and mark work for the pupil, including the use of online pathways.

For permanent exclusions, the LA will:

- arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.
- for pupils who are looked after or have social workers, work with the academy to arrange suitable full-time education to begin from the first day of the exclusion.

## **Cancelling a suspension or permanent exclusion**

The Headteacher/Principal, relevant Director of Education, and Chief Executive Officer may cancel a suspension or permanent exclusion regardless of whether it has begun or not, but only where it has not yet been reviewed.

If a suspension or permanent exclusion is cancelled, they will inform without delay the following of the decision along with the reason:

- Parents/Carers (who will be offered the opportunity to meet to discuss the cancellation)
- Telford & Wrekin Council Exclusion team
- The pupil's social worker (where applicable)
- The pupil's Virtual School Head, (where applicable)
- An LGB Panel (where scheduled to meet which will no longer be required)

Immediately following the decision, the pupil will be allowed back into the academy without delay.

Any days spent out of academy prior to the cancellation, will count towards the maximum of 45 school days permitted in any academic year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in an academic year or if they will have been so by the time the cancellation takes effect.

## Requesting the review of a pupil who has been suspended/excluded for less than 5 days

A panel will meet where **all** the following apply:

- A pupil's suspension will, alone or in conjunction with previous exclusions, bring the total number of days out of school to less than 5 in a term.
- The parent(s) have requested Head of Governance convene a panel to meet to consider this.

A panel will comprise of 3 Trustees and/or LGB members and the following will be invited to submit papers to be considered at the meeting:

- The Headteacher/Principal
- Parents/carers

A meeting can be held remotely where:

- All the participants have access to the technology that will allow them to hear, speak, see and be seen within a private environment
- All the participants will be able participate fully
- The remote meeting can be held fairly and transparently

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently

A clerk appointed from the Learning Community Trust will be responsible for:

- convening a panel
- requesting and sending out the agenda and papers to everyone 7 days before the meeting.
- advising on procedural matters relating to this policy.
- Taking minutes of the meeting.
- Ensuring a record of the proceedings and all evidence considered is kept.

The agenda for the meeting will be as follows:

- Welcome and introductions
- Declaration of interests
- Explanation of proceedings to be followed
- School statement on decision taken
- Questions regarding this statement
- Everyone except for the panel and clerk to leave the meeting at this point.
- Panel private deliberations

When the panel withdraw to deliberate in private, they will consider the following:

- Whether the decision to suspend/exclude was lawful, reasonable, and procedurally fair.
- Whether the Headteacher/Principal followed their legal duties.
- The welfare and safeguarding of the pupil and their peers.
- Any evidence that was presented to the panel

The outcome will be recorded on the pupil's educational record, and copies of relevant papers kept.

Once completed the following will be informed in writing of the outcome within 5 school days:

- Parents/carers
- The Headteacher/Principal

The communication of the outcome will explain the decision reached and the rationale for it.

## Requesting the reinstatement of a pupil who has been suspended/excluded for more than 5 days

A panel will meet within **15 school days** of receiving notice where **any** of the following apply:

- A pupil has been permanently excluded.
- A pupil's suspension will, alone or in conjunction with previous exclusions, bring the total number of days out of school to more than 15 in a term.
- A pupil will miss a public exam or national curriculum test\*.

\*Where it is not practical for a panel to be convened before an exam the Chair may consider the reinstatement alone.

A panel will meet within **50 school days** of receiving notice where **all** the following apply:

- A pupil's suspension will, alone or in conjunction with previous exclusions, bring the total number of days out of school to between 5-15 in a term.
- The parent(s) have requested Head of Governance convene a panel to meet to consider reinstatement.

A panel will comprise of 3 LGB members and the following will be invited to attend and submit papers to be considered at the meeting:

- Parents/carers
- The pupil (if 17 or younger and appropriate to their age and understanding)
- A friend or representative for the Parents/Carers/pupil if requested.
- The Headteacher/Principal
- The pupil's social worker (where applicable)
- The pupil's Virtual School Head, (where applicable)
- A representative of the Local Authority (if the Trust choose to invite them).
- A clerk appointed from the Learning Community Trust.

All reasonable effort will be made to hold the meeting within the statutory time limits detailed above and to accommodate all parties involved. However, its decisions will not be invalid in the event it does not.

A meeting can be held remotely where:

- the parents/carers have requested it.
- it is not reasonably practicable to be held in person due to extraordinary or unforeseen circumstances, (subject to the agreement of the parents/carers).
- All the participants have access to the technology that will allow them to hear, speak, see and be seen within a private environment
- All the participants will be able participate fully
- The remote meeting can be held fairly and transparently

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently

The clerk will be responsible for:

- convening a panel
- requesting and sending out the agenda and papers to everyone 7 days before the meeting.
- advising on procedural matters relating to this policy.
- Taking minutes of the meeting.
- Ensuring a record of the proceedings and all evidence considered is kept.

The agenda for the meeting will be as follows:

- Welcome and introductions
- Declaration of interests
- Explanation of proceedings to be followed
- School statement on decision taken
- Questions regarding this statement
- Parent/carer statement on decision taken
- Questions regarding this statement
- Everyone except for the panel and clerk to leave the meeting at this point.
- Panel private deliberations

When the panel withdraw to deliberate in private, they will consider the following:

- Whether the decision to suspend/exclude was lawful, reasonable, and procedurally fair.
- Whether the Headteacher/Principal followed their legal duties.
- The welfare and safeguarding of the pupil and their peers.
- Any evidence that was presented to the panel.

Taking into consideration the above the Panel will decide whether to:

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

Once a decision has been made the following will be informed of the outcome in writing within 5 school days:

- Parents/carers
- The Headteacher/Principal
- The pupil's social worker (where applicable)
- The pupil's Virtual School Head, (where applicable)
- The Local Authority.

The communication of the outcome will contain the following information:

- The decision reached and the rationale for it.
- That for permanent exclusions parents/carers have 15 school days to request the LCT to carry out an independent review and have the following rights:
  - to require the LCT or the LA to appoint an SEN expert to advise the review panel, regardless of whether the excluded pupil has recognised SEN at no cost to them.
  - to appoint someone to make written and/or oral representations to the panel at their own expense and may also bring a friend to the review.

The outcome will be recorded on the pupil's educational record, and copies of relevant papers kept.

## Updating the Admissions Register

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

- 15 school days have passed since the parents/carers were notified of LGB panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents/carers have written that they will not be applying for an independent review panel

Where an application for an independent review panel is made a pupil's name will not be removed until this has been concluded.

While the pupil's name remains on the admission register, their attendance will still be recorded as follows:

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

Where a pupil's name is to be removed a return must be made to the LA containing the following:

- The pupil's full name
- The full name and address of any parent/carer with whom the pupil normally resides
- At least one telephone number a parent/carer who can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register
- Details of the new school/academy the pupil will attend, including the name of that school/academy and the first date when the pupil attended or is due to attend there, where known.

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

## Independent Review of Permanent Exclusion

An Independent Review Panel will meet to review a permanent exclusion where **any** of the following apply:

- The parent(s) have requested Head of Governance convene a panel to meet to re-consider this within 15 school days of being notified of the LGB Panels outcome.
- The parent(s) have requested Head of Governance convene a panel to meet to re-consider this within 15 school days of being notified of the outcome of a related claim of discrimination under the Equality Act 2010.

A panel will be comprised with representatives from each of the categories below:

- A lay member who has not worked in any school/academy in a paid capacity, disregarding any experience as a governor or volunteer who will be the Chair of the Panel.
- A current or former school/academy governor who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been a staff member during this time
- A Headteacher/Principal or individual who has been a headteacher within the last 5 years.

No person may be a member or clerk of the panel if any of the following apply:

- Are an employee or local governor of the excluding academy
- Have been the Headteacher/Principal of the excluding academy within the last 5 years
- Have, or at any time have had, any connection with the Trust, school, LGB, 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 which must cover the following:
  - The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions on disciplinary grounds, 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/Principals, governing boards 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

The following will be invited to attend and submit papers\* to be considered at the meeting:

- Parents/carers
- The pupil (if 17 or younger and appropriate to their age and understanding)
- A friend or representative for the Parents/Carers/pupil if requested.
- The Headteacher/Principal

- The pupil's social worker (where applicable)
- The pupil's Virtual School Head, (where applicable)
- SEN expert (where requested)
- A representative of the Local Authority.
- A clerk appointed from the Learning Community Trust who has had the required training.

\*New evidence may be submitted, though the academy cannot introduce new reasons for a permanent exclusion or decision not to reinstate. Any new reason introduced must be disregarded.

A meeting can be held remotely where:

- the parents/carers have requested it.
- it is not reasonably practicable to be held in person due to extraordinary or unforeseen circumstances, (subject to the agreement of the parents/carers).
- All the participants have access to the technology that will allow them to hear, speak, see and be seen within a private environment
- All the participants will be able participate fully
- The remote meeting can be held fairly and transparently

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently

The clerk will be responsible for:

- convening a panel
- requesting and sending out the agenda and papers to everyone 7 days before the meeting.
- advising on procedural matters relating to this policy.
- Taking minutes of the meeting.
- Ensuring a record of the proceedings and all evidence considered is kept.

The agenda for the meeting will be as follows:

- Welcome and introductions
- Declaration of interests
- Explanation of proceedings to be followed
- School statement on decision taken
- Questions regarding this statement
- Parent/carer statement on decision taken
- Questions regarding this statement
- Everyone except for the panel and clerk to leave the meeting at this point.
- Panel private deliberations

When the panel withdraw to deliberate in private, they will consider the following:

- Whether the decision to suspend/exclude was lawful, reasonable, and procedurally fair.
- Whether the Headteacher/Principal followed their legal duties.
- The welfare and safeguarding of the pupil and their peers.
- Any evidence that was presented to the panel.

Taking into consideration the above the Panel will decide whether to:

- uphold the LGB panel's decision;
- whether the previous decision was flawed, and therefore should be quashed, based on the evidence that was available, or evidence is reasonable to believe should have been available to the LGB panel at the time of making its decision. If this is done it will also direct that the LGB should re-consider reinstatement.

- whether the LGB should re-consider reinstatement based on new evidence presented that it is not reasonable to expect the LGB panel to have been aware of at the time of its decision.

Once a decision has been made the following will be informed of the outcome in writing within 5 school days:

- Parents/carers
- The Headteacher/Principal
- The pupil's social worker (where applicable)
- The pupil's Virtual School Head, (where applicable)
- The Local Authority.

The communication of the outcome will contain the following information:

- The decision reached and the rationale for it.
- Where relevant, details of any financial readjustment or payment to be made if the LGB does not subsequently decide to offer to reinstate the pupil within 10 school days
- Any information that the panel has directed the LGB to place on the pupil's educational record

## Returning from a suspension

Following a suspension, or cancelled suspension/exclusion, a senior staff member of the academy will meet with the pupil and their parents/carers before or on the day of their return to discuss how best to ensure a successful return which may include the following:

- Daily contact with a designated pastoral professional
- Mentoring by a trusted adult (where capacity allows)
- Regular reviews with the pupil and parents/carers to praise progress being made and raise/address any concerns at an early stage
- Informing the pupil, parents/carers and staff of potential external support
- Working with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.
- In exceptional circumstances, part-time timetables and, if used, only for the minimum time necessary.

The meeting can proceed without the parents/carers if they cannot or do not attend and if a pupil does not attend this will not prevent them from returning to the classroom.