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### 1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents/carers and pupils
- Pupils in school are safe and happy
- Pupils do not become Not in Education, Employment or Training (NEET)
- Ensure all exclusions are carried out lawfully

### 2. Legislation and statutory guidance

This policy is written to be compliant with the statutory government guidance published in September 2023

[Suspension and permanent exclusion guidance](#)

- [Equality Act 2010: guidance - GOV.UK](#)

This policy takes account of our public sector equality duty set out in section 149 of the Equality Act 2010.

### 3. The decision to exclude

Only the headteacher, or acting headteacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

A decision to 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 welfare of others

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs and disability (SEND)

#### A note on off-rolling

Our 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, where the removal is primarily in the interests of the school, rather than in the best interests of the pupil.'

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/ or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school

### 4. Definition

Suspension- where a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed term exclusion'.

Permanent exclusion- when a child is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Off-site direction- when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.

Parent/carer- any person who has parental responsibility and any person who has care of the child.

Managed move- when a pupil is transferred to another school permanently. All parties, including parents/carers and the admissions authority for the new school, should consent before a managed move occurs.

## **5. Roles and responsibilities**

### **5.1 The headteacher**

#### **Deciding whether to suspend or exclude**

Only the headteacher, or acting headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behavior inside or outside of school. The headteacher will only use permanent exclusion as a last resort.

A decision to suspend or exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behavior policy, **and** if allowing the pupil to remain in school would seriously harm the education or welfare of others.

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

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their own version of events
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC)/ child in care
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves
- Consider mitigating circumstances, such as bereavement, mental health issues
- Consider whether there are any safeguarding concerns

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it is not appropriate to do so.

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

The headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

The headteacher will keep a written record of the actions taken including the signed statements of witnesses. Any exclusion of a pupil will be formally recorded.

### **Behaviour related to a protected characteristic**

We will take care to ensure that a decision to exclude or suspend does not involve any kind of discrimination as defined by the Equality Act 2010. We will not discriminate against pupils on the basis of protected characteristics, such as disability or race.

The school will make reasonable adjustments for managing behavior which is related to a pupil's disability. Where permanent exclusion or suspension needs to be considered, the school will ensure that a pupil with a disability is able to present his or her case where the disability might hinder this.

We recognise that disruptive behavior may be an indication of unmet needs. Where we have concerns about a pupil's behavior, we will try to identify any factors and intervene early in order to reduce the need for a subsequent sanction. We will consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required. Where a student has SEND or an Educational Health Care Plan (EHCP) and we have concerns about their behavior, we will work in partnership with other agencies to consider what additional support or alternative placement may be required. We will also work proactively with parents/carers in supporting behaviours of students with additional needs.

### **Informing parents and carers**

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents/carers as early as possible, in order to work together to consider where factors may be affecting the pupil's behavior, and what further support can be put in place to improve the behavior. If the headteacher decides to suspend or to exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason for it, without delay.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parent/carers right to make representations about the exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board 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 headteacher will also notify parents/carers by the end of the afternoon session on the first day their child is suspended or permanently excluded that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents/carers are legally required to ensure that their child is

not present in a public space during school hours without good reason. This will include specifying on which days this duty applies

- 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, if possible:

- 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

If the Headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and 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 permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

### **Informing the governing board**

The headteacher will, without delay, notify the governing board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam

The headteacher will notify the governing board once per term of any suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

### **Informing the local authority (LA)**

The headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

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

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

As noted above, if a:

- Pupil with a social worker is at risk of suspension or permanent exclusion, the headteacher will inform the social worker as early as possible.
- Pupil who is a child in care (CIC)/ looked after is at risk of suspension or exclusion, the headteacher will inform the VSH as early as possible.

This is in order to work together to consider what factors may be affecting the pupil's behavior, and further support that could be put in place to improve the behavior.

If the headteacher decides to suspend or permanently exclude a pupil with a social worker/ who is in care/ looked after, they will inform the student's social worker/VSH, as appropriate, without delay that:

- They have decided to suspend or permanently exclude the pupil.
- The reasons 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.

The social worker/VSH will be invited to any meeting with Kingswood Primary School 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 their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks, and the student's welfare are taken in to account.

### **Providing education during the first 5 days of a suspension or permanent exclusion**

During the first 5 days of a suspension, if the pupil is not attending alternative provision (AP), the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom or Oak Academy may be used for this. If the pupil has special educational needs or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange alternative provision (AP) from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

### **For a suspension of more than five school days**

For a suspension of more than five school days for a pupil of compulsory school age, the school will arrange suitable full-time education for the pupil to begin, no later than the sixth day of the exclusion. However, the school will attempt to start this provision as soon as possible.

When a pupil receives consecutive suspensions, there are regarded as a cumulative period of exclusion. This means that if a student has more than five consecutive school days of exclusion, then education must be arranged for the sixth school day of exclusion, regardless of whether this is as a result of suspension or more than one suspension.

For permanent exclusions, the pupil's local authority has responsibility for arranging suitable full-time education for the pupil.

### **Cancelling suspensions and permanent exclusions**

The headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents/carers, governing board and LA will be notified without delay
- Parents/carers will be offered the opportunity to meet with the headteacher to discuss the cancellation
- As referred to above, the headteacher will report to the governing board once per term on the number of cancellations
- The pupil will be allowed back in school

## **5.2 The governing board**

### **Considering suspensions and permanent exclusions**

Responsibilities regarding suspensions and permanent exclusions are delegated to the governing board.

The governing board has a duty to consider parent/carer representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances.

Within 14 days of receiving a request, the governing board will provide the secretary of state and the LA with information about any suspensions or exclusions in the last 12 months.

### **Monitoring and analysing suspensions and exclusions data**

The governing board will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The governing board will consider:

- How effectively and consistently the school's behavior policy is being implemented

- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Intervention in place to support pupils at risk of suspension or permanent exclusion
- The characteristics of suspended and permanently excluded pupils, and why this is taking place

### **5.3 The local authority (LA)**

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

For pupils who are LAC/ children in care or have social workers, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

## **6. Considering the reinstatement of a pupil**

The governing board will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the 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 board will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

The governing body can either:

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

In reaching a decision, the governing board will consider whether the 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 pupil's educational record.

The governing board will notify, in writing, the headteacher, parents/carers and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing board's decision will also include the following:

- The fact that it is permanent
- Notice of parent/carer 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/carers have a right to require the LA to appoint a 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 a 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 may also bring a friend to the review
- That if parents/carers 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

## **7. An independent review**

If parents/carers apply for an independent review, the LA will arrange for an independent panel to review the decision of the governing board 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 board of its 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 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 of the LA, or 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 LA, 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 LA, school, governing board, 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 (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 governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's 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.

## **8. 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 board will wait until that review has concluded before removing a pupil's name from the register.

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.

Where excluded pupils 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 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 and support plan
- Internal isolation if and when necessary
- Follow up meetings or correspondence with parents/carers where necessary

## **10. Monitoring arrangements**

The headteacher monitors the number of exclusions every term and reports back to the governing body.

They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the full governing body annually. At every review, the policy will be approved by the governing board.

## **11. Links with other policies**

This exclusions policy is linked to our:

- Behaviour policy
- Special Educational Needs and Disabilities (SEND) policy
- Safeguarding policy
- Equality policy
- Anti-Bullying and Hate policy

## **Appendix 1: Independent review panel training**

The LA 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 suspensions and permanent 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, 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