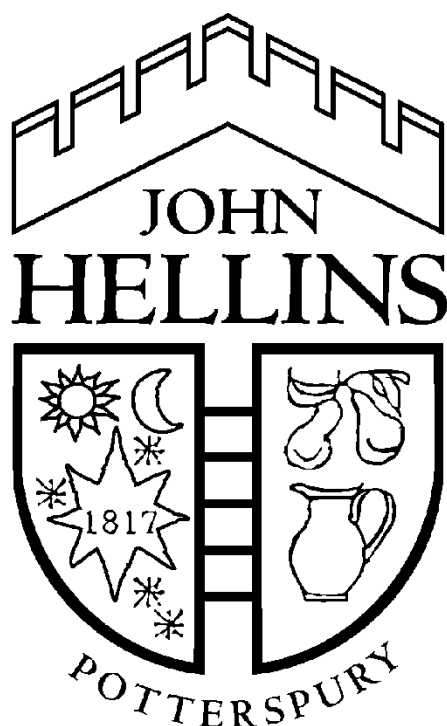


# John Hellins Primary School



## Exclusion Policy

Policy Written: May 2025

Approved by Staff May 2025

Approved by Governors May 2025

Review date May 2027

# **Exclusion and Suspension Policy**

## **1. Introduction**

This policy sets out the school's approach to suspensions (previously known as fixed-term exclusions) and permanent exclusions, in line with the Department for Education's (DfE) statutory guidance on 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' (August 2024). It reflects legislative changes in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 as amended, and is guided by the Equality Act 2010 and the Children and Families Act 2014.

This policy complies with statutory requirements and best practices, and it supports the school's wider safeguarding and behaviour policies.

Exclusion is a last resort used only when all other strategies to support behaviour have been exhausted, or in response to a serious breach of the school's behaviour policy.

This policy applies to all pupils, staff, and stakeholders and aims to:

- Ensure legal compliance.
- Promote fairness, equality, and transparency.
- Minimise exclusions through effective intervention.
- Ensure the safeguarding and welfare of all pupils.

## **2. Guiding Principles**

The school is committed to:

- Ensuring exclusions are lawful, reasonable, and fair.
- Considering the impact on vulnerable groups (SEND, LAC, pupils with social workers).
- Avoiding informal or unlawful exclusions, including sending pupils home without formal recording.
- Recording exclusions accurately, including cancelled exclusions and mid-day removals.
- Supporting positive behaviour and providing consistent pastoral support.
- Ensuring inclusive education and working collaboratively with families and external partners

## **3. Legislation and Statutory Guidance**

This policy is informed by:

- Education Act 2002, particularly sections 100–109
- Education and Inspections Act 2006
- Education Act 1996, particularly section 19 (duty to provide education)
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Equality Act 2010

- Children and Families Act 2014
- DfE guidance: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (August 2024)

#### 4. Definitions

- **Suspension:** Temporary removal of a pupil from school for a specified number of school days, up to a maximum of 45 days in a school year.
- **Permanent Exclusion:** Removal of a pupil from the school roll. It should only be used in response to serious or persistent breaches of the behaviour policy and where the pupil's continued presence in school would seriously harm the education or welfare of others.
- **Cancelled Exclusion:** An exclusion that is withdrawn by the head teacher before it takes effect. This must be recorded and communicated.
- **Alternative Provision (AP):** Suitable full-time education arranged for pupils from the sixth day of an exclusion.
- **Managed Move:** A voluntary arrangement between schools to transfer a pupil to another mainstream school as an alternative to permanent exclusion, with parental consent.
- **Off-site Direction:** A school's power to require a pupil to attend another education setting temporarily to improve behaviour.

#### 5. Duties under the Education and Inspections Act 2006

Under the Education and Inspections Act 2006, head teachers of maintained schools and pupil referral units must determine measures to be taken with a view to:

- promoting self-discipline and proper regard for authority among pupils,
- encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils,
- securing that the standard of behaviour of pupils is acceptable,
- securing that pupils complete any tasks reasonably assigned to them in connection with their education, and
- otherwise regulating the conduct of pupils.

Permanent exclusions can be used to help achieve these aims when they are absolutely necessary, as a last resort.

#### 6. Duties under the Equality Act 2010 and Children and Families Act 2014

Under the Equality Act 2010 (the Equality Act) and the Equality Act 2010: advice for schools - GOV.UK ([www.gov.uk](http://www.gov.uk)), schools must not discriminate against, harass, or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage, and the provision of auxiliary aids and services. In carrying out

their functions, the public sector equality duty means schools must also have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

The 'relevant protected characteristics' in this context are the characteristics mentioned above. Age is also a relevant protected characteristic, but not when carrying out a function which provides education, benefits, facilities, or services to pupils. These duties need to be complied with when deciding whether to exclude a pupil.

Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory.

The governing board must also comply with their statutory duties in relation to pupils with SEN when administering the exclusion process, including using their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN and having regard to the Special Educational Needs and Disability (SEND) Code of Practice.

## **7. Exclusion and Suspension**

Only the head teacher of a school can suspend or permanently exclude a pupil on disciplinary grounds.

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

A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion.

Any decision of a head teacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties), reasonable; fair, and proportionate.

When establishing the facts in relation to a suspension or permanent exclusion decision the head teacher must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the head teacher should accept that something happened if it is more likely that it happened than that it did not happen. The head teacher must take account of their legal duty of care when sending a pupil home following an exclusion.

Head teachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil should be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. Whilst an exclusion may still be an appropriate sanction, the head teacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider page 16 of the Behaviour in Schools guidance.

#### [Behaviour in Schools - Advice for headteachers and school staff Feb 2024](#)

A suspension, where a pupil is temporarily removed from the school, is an essential behaviour management tool. 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 does not have to be for a continuous period.

A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a pupil, head teachers and schools should consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

It is important that during a suspension, pupils still receive their education. Head teachers should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising any online pathways such as Google Classroom or Oak National Academy.

The school's legal duties to pupils with disabilities or SEN remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways should always be recorded as a suspension.

A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the head teacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.

The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion.

In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension ends, or a permanent exclusion may be issued to begin immediately after the end of the suspension.

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

For any permanent exclusion, head teachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered.

## **8. Cancelling Exclusions**

The head teacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled:

- The head teacher must notify the parents, the governing board, the LA and the pupil's social worker and VSH as applicable, without delay. The notification must also provide the reason for the cancellation;
- The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement;
- Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the head teacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay;
- The pupil must be allowed back into the school from which they were excluded without delay.
- Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year
- Records must be updated accordingly. The cancellation must be documented clearly in the pupil's record.

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

## **9. Grounds for Suspension or Exclusion**

Exclusion may be used for:

- Physical assault against a pupil or adult.
- Verbal abuse/threatening behaviour.
- Bullying.
- Sexual misconduct.

- Drug and alcohol-related incidents.
- Theft.
- Persistent disruptive behaviour.
- Damage to property.
- Physical assault against pupils or staff
- Verbal abuse/threatening behaviour
- Bullying (including online bullying)
- Racist, sexist, homophobic, or discriminatory behaviour
- Drug or alcohol misuse
- Theft, damage to property, arson
- Possession of a weapon or prohibited items
- Persistent disruptive behaviour that undermines learning or safety
- Serious or repeated breaches of the school's behaviour policy

This list is not exhaustive and is intended to offer examples rather than be complete or definitive.

The school will consider contextual factors, the pupil's age, background, and any SEND or safeguarding needs before determining the appropriate action.

The decision to exclude must:

- Be based on a thorough investigation and factual evidence.
- Consider the pupil's individual circumstances and background.
- Consider the school's wider duty of care.
- Comply with equality and SEND legislation.

## **10. Off-rolling and unlawful exclusions**

Telling or forcing a pupil to leave school, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave school, or forbidden from attending school, on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and with regard to relevant parts of this guidance.

Suspending a pupil for a short period of time, such as half a day, is permissible but the formal suspension process must still be followed. Each disciplinary suspension and permanent exclusion must be confirmed to the parents in writing with notice of the reasons for the suspension or permanent exclusion.

Any exclusion of a pupil, even for short periods, must be formally recorded. It would also be unlawful to exclude a pupil simply because they have SEN or a disability that the school feels it is unable to meet, or for a reason such as, academic attainment/ability; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.

If any of these unlawful exclusions are carried out and lead to the deletion of a pupil's name from the register, this is known as 'off-rolling'. An informal or unofficial exclusion, such as

sending a pupil home 'to cool off', is unlawful when it does not follow the formal school exclusion process and regardless of whether it occurs with the agreement of parents.

A further example of off-rolling would be exercising undue influence over a parent to remove their child from the school under the threat of a permanent exclusion and encouraging them to choose elective home education or to find another school place.

If a parent feels pressured into electively home educating their child or that the suspension or permanent exclusion procedures have not been followed, they can follow the school's complaints procedure with the governing board and in the case of a maintained school, the local authority. Ofsted considers any evidence of off-rolling and is likely to judge a school as inadequate if there is evidence that pupils' names have been removed from the school admission register without a formal permanent exclusion or by the school encouraging a parent to remove their child from the school, and leaders have taken insufficient action to address this

## **11. Decision-Making Process**

The head teacher is the only person with authority to suspend or exclude a pupil. The decision is based on a thorough investigation, consideration of evidence, and consultation with relevant staff.

The head teacher must:

- Investigate the incident thoroughly.
- Consider written and verbal accounts from all parties.
- Check whether the pupil has SEND, is on an EHCP, is looked-after, or has a social worker.
- Consult the Virtual School Head and/or social worker (where applicable).
- Record the rationale in writing.
- Ensure the exclusion is proportionate and in line with the school's behaviour policy.
- Explore all alternatives (pastoral support, managed moves, off-site direction).

## **12. Pupils with SEND or Other Vulnerabilities**

Before deciding to exclude the head teacher must:

- Determine if behaviour is linked to SEND.
- Make reasonable adjustments under the Equality Act 2010
- Assess whether additional support or provisions should be made
- Convene an emergency review (for EHCP pupils).
- Consult external agencies and specialists where appropriate
- Document all steps and rationale.

Pupils with Disabilities and SEN including those with EHC Plans



The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can, in principle, apply both to the suspensions and permanent exclusions process and to the disciplinary sanctions imposed. Under the Children and Families Act 2014, governing boards of relevant settings must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN.

Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs.

Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability.

Where a pupil has an EHC plan, schools should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude. For those with SEN but without an EHC plan, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for schools to request an EHC assessment or a review of the pupil's current package of support.

#### Pupils who have a Social Worker, including Looked-After Children, and Previously Looked-After Children

For the majority of children who have a social worker, this is due to known safeguarding risks at home or in the community: over half are in need due to abuse or neglect. For children with a social worker, education is an important protective factor, providing a safe space for children to receive support, be visible to professionals and realise their potential. When children are not in school, they miss the protection and opportunities it can provide, and become more vulnerable to harm. Head teachers should balance this important reality with the need to ensure calm and safe environments for all pupils and staff, so should devise strategies that take both of these aspects into account.

Where a pupil has a social worker, e.g. because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the head teacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations.

Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority's VSH as soon as possible. The VSH, working with the DT and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion.

Where relevant, the school should also engage with a child's social worker, foster carers, or children's home workers.

All looked-after children should have a Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan. This should be reviewed every term and any concerns about the pupil's behaviour should be recorded, as well as how the pupil is being supported to improve their behaviour and reduce the likelihood of exclusion. Monitoring of PEPs can be an effective way for VSHs to check on this.

Where previously looked-after children face the risk of being suspended or permanently excluded, the school should engage with the child's parents and the school's DT. The school may also seek the advice of the VSH on strategies to support the pupil.

### **13. Notification Procedures**

**For all exclusions, the head teacher must notify:**

- Parents/carers by phone immediately and confirm in writing.
- The local authority without delay
- The governing board without delay

The letter must include:

- Type and length of exclusion.
- Reason(s) for exclusion.
- Date the exclusion takes effect and return date (for suspensions).
- Right to make representations.
- Process for requesting a governing board meeting.
- Legal rights and appeal (IRP).
- Details of education provision (from Day 6).
- Duty to ensure child is not in public places for first 5 days.
- Remote access information if education is online.
- Name and contact details of the person to speak with at school.
- How to request SEN expert or remote attendance at meetings.

Where the pupil has a social worker, the social worker and/or VSH must be notified immediately.

### **14. Alternative Provision**

From Day 6 of a suspension or immediately after permanent exclusion:

- The school (for suspensions) or local authority (for permanent exclusions) must provide full-time, suitable education.
- May include off-site, remote, or alternative settings.
- Written communication to parents must include:
  - Name and address of provider.

- Curriculum details.
- Timetable and attendance expectations.
- Behaviour policy and safeguarding arrangements.
- Contact details for support staff.

The school must regularly monitor and liaise with the provider to track attendance, engagement, and progress.

## **15. Governing Board Duties**

The board must:

- Meet within 15 school days to review exclusions exceeding 15 days or permanent exclusions.
- Allow parental and pupil participation, including remote attendance where requested.
- Invite the head teacher, parents, LA officer, and relevant professionals.
- Ensure the presence of a SEN expert if requested.
- Provide a written record of the decision within 1 school day.

For exclusions of 5-15 days, the board must meet if requested.

## **16. Independent Review Panel (IRP)**

If a permanent exclusion is upheld:

- Parents may request an IRP within 15 school days.
- Parents may request remote access or the presence of a SEN expert.
- The panel can uphold, recommend reconsideration, or quash the decision.
- Written outcome must be provided within 5 school days.
- If quashed, the board must reconsider within 10 school days.

Parents may also pursue judicial review or complaints through the Ombudsman.

## **17. Remote Access and Online Provision**

If provision is remote:

- Parents must receive login details, support contacts, and timetables.
- Daily attendance is expected and monitored.
- Safeguarding checks are conducted.
- Teachers or tutors should offer live support if feasible.
- Pupils should be able to submit work for feedback.
- Non-engagement must be followed up with the family.

## **18. Managed Moves and Off-site Direction**

### **Managed Moves:**

- Voluntary and must have parental consent.
- Formalised with a written agreement.
- Should include review milestones.
- Must be in the pupil's best interests.

### **Off-site Direction:**

- Can be used to improve behaviour.
- Parents must be informed in writing of:
  - Start/end dates.
  - Provider details.
  - Curriculum and safeguarding.
  - Attendance expectations.
- Reviews must take place every 30 days.

## **15. Reintegration**

After a suspension:

- A reintegration meeting must be held.
- Pupil, parent/carer, and staff attend.
- A written plan should outline targets and support.
- A key adult should be assigned.
- Short-term adjustments should be considered.

Schools should support pupils to reintegrate successfully into school life and full-time education following a suspension (this may also be after a cancelled exclusion) or period of off-site direction. They should design a reintegration strategy that offers the pupil a fresh start; helps them understand the effect of their behaviour on themselves and others; teaches them how to meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.

The reintegration strategy should be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school. During a reintegration meeting, the school should communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible this meeting should include the pupil's parents. It is important to note that a pupil should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting. To ensure ongoing progress, the strategy should be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties. Where necessary, schools should work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools team, to identify if the pupil has any SEND and/or health needs.

A part-time timetable should not be used to manage a pupil's behaviour and must only be in place for the shortest time necessary. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time education, either at school or alternative provision. There should also be formal arrangements in place for regularly reviewing a part-time timetable with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and must take the appropriate steps for a leave of absence.

Schools can consider a range of measures to enable the pupil's successful reintegration which can include, but are not limited to:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school;
- Daily contact with a designated pastoral professional in school;
- Use of a report card with personalised targets leading to personalised rewards;
- Ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress;
- Planned pastoral interventions;
- Mentoring by a trusted adult or a local mentoring charity;
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage;
- Informing the pupil, parents and staff of potential external support

## **16. Responsibilities**

### **School Leadership and Staff:**

- Apply legal processes fairly and transparently.
- Maintain contact with parents and social workers.
- Monitor and evaluate remote/AP engagement.
- Record all exclusion data accurately.
- Follow the legal framework and this policy consistently.
- Record incidents thoroughly.
- Ensure early intervention and behaviour support are provided.
- Ensure clear communication with parents and carers.
- Organise alternative provision when required.
- Monitor pupil engagement with remote or alternative education.
- Maintain safeguarding oversight throughout any exclusion period.
- Provide training and guidance to staff on inclusion, de-escalation, and behaviour management.

### **Governing Board:**

- Ensure legal compliance and best practice.
- Convene and record meetings properly.
- Provide training for governors on exclusion law.
- Oversee policy compliance.

- Review exclusions and ensure the process was fair and lawful.
- Appoint independent panels when required.
- Ensure decisions are well-documented and evidence-based.
- Review trends in exclusions to identify patterns and inform policy development.

#### **Parents/Carers:**

- Ensure compliance with stay-at-home expectations.
- Support learning at home or via remote access.
- Communicate promptly with school/AP.
- Attend all meetings (in person or remotely).
- Work in partnership with school on reintegration.
- Ensure the child does not enter public places during the first five days of exclusion.
- Read and respond to exclusion correspondence promptly.
- Ensure the child engages with any remote or alternative provision.
- Attend reintegration or review meetings.
- Share any concerns or new information relevant to the exclusion decision.
- Work with the school to support the child's reintegration or transition.
- Support learning at home and encourage positive behaviour.
- Maintain communication with school staff and AP providers.
- Keep the school informed of any barriers to engagement or attendance.

#### **During the exclusion period, parents/carers must:**

- Prevent their child from being in public during the first 5 days.
- Ensure participation in remote or off-site education.
- Support their child's well-being and mental health
- Support their child's continued learning at home or via provided remote access.
- Ensure attendance and punctuality for any arranged off-site or online alternative provision.
- Communicate with school or AP staff as necessary.

#### **Local Authority:**

- Provide AP from Day 6 of a permanent exclusion.
- Support IRP administration.
- Work with schools to reduce exclusions.

### **17. Monitoring and Review**

The school will:

- Review this policy annually.
- Analyse exclusion trends by demographics.
- Collect feedback from stakeholders.
- Report to governors termly.
- Ensure training on changes to law or guidance.

- Report termly to the governing board.
- Analyse data by group (SEND, ethnicity, LAC).
- Review behaviour policies annually.
- Ensure training for all staff on legal duties related to exclusion.
- Ensure all exclusions are reported in the correct statutory returns.
- Conduct pupil voice and parent/carers feedback post-exclusion.
- Evaluate effectiveness of reintegration plans and AP provision.

For further guidance, contact the school office or consult the DfE's full guidance on exclusions (August 2024).