



## Suspension and Exclusion Policy

<b>Date of last review by Local Governing Body</b>	March 2026
<b>Review cycle</b>	Annual
<b>Policy due for review by Local Governing Body</b>	March 2027

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## **Introduction**

The aims of this policy are:

- To ensure that the suspension process is applied fairly and consistently
- To ensure that the suspension process is understood by governors, staff, parents/carers and pupils
- To ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed
- To reduce the risk of pupils becoming NEET (Not in Education, Employment or Training)
- To realise the aim of reducing the need to use suspension as a sanction

## **Legislation and Statutory Guidance**

This policy is based on statutory guidance from the Department for Education (DfE): Suspension and permanent exclusion from maintained schools, academies and pupil referral units (PRUs) in England. It is based on the following legislation, which outline schools' powers to suspend pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines '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
- Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools, academies, and pupil referral units in England August 2024

## **Definitions**

For the purposes of suspensions, school day is defined as any day on which there is a school session. Therefore, INSET, staff training days and public holidays do not count as a school day. In this policy a suspension is used to refer to what legislation calls an exclusion for a fixed period. Suspensions and permanent exclusions are both types of exclusion, and where this guidance uses the word 'exclusion' this includes both suspensions (fixed-period exclusions) and permanent exclusions. (The use of the word suspension was reflected in the 29 June 2021 update of the statutory guidance from the DfE: Suspension and permanent exclusion from maintained schools, academies and pupil referral units (PRUs) in England.)

## **The Decision to Suspend**

Suspension is an extreme sanction and is only administered by the Headteacher (or, in their absence, a member of SLT who is acting in that role). A permanent exclusion will be taken as a last resort.

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, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We are committed to following all statutory suspension procedures to ensure that every child receives an education in a safe and caring environment. A decision to suspend 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.

Suspension may be used for any of the following reasons, all of which constitute examples of unacceptable conduct and are infringements of the School’s Behaviour Policy:

- Physical assault against a pupil (this includes, but it is not limited to, fighting, violent behaviour, wounding, obstruction and jostling)
- Physical assault against an adult (this includes, but it is not limited to, violent behaviour, wounding, obstruction and jostling)
- Verbal abuse/threatening behaviour against a pupil (this includes, but is not limited to, threatened violence, aggressive behaviour, swearing, harassment & Verbal abuse/threatening behaviour against a pupil (this includes, but is not limited to, threatened violence, aggressive behaviour, swearing, harassment & verbal intimidation)
- Bullying (this includes, but is not limited to, verbal, physical, homophobic, racist, sexist and cyber bullying)
- Racist abuse (this includes, but is not limited to, racist taunting and harassment, swearing that can be attributed to racist characteristics, derogatory racist statements, racist bullying, racist graffiti)
- Sexual misconduct (this includes, but it is not limited to, sexual abuse, sexual assault, sexual harassment, lewd behaviour, sexual bullying, sexual graffiti)
- Drug and alcohol related (this includes, but is not limited to, possession of illegal drugs, inappropriate use of prescribed drugs, drug dealing, smoking, alcohol abuse, substance abuse)
- Damage (this includes, but is not limited to, vandalism, damage to school or personal property belonging to any member of the school community, arson, graffiti)
- Theft (this includes, but is not limited to, stealing school property, stealing personal property (from a pupil or adult), stealing from local shops on a school outing, selling and dealing in stolen property)

- Persistent disruptive behaviour (this includes, but is not limited to, challenging behaviour, disobedience, persistent violation of school rules)
  - Use or threat of use of an offensive weapon
  - Abuse relating to any type of disability
  - Wilful and repeated transgression of protective measures in place to protect public health
  - Abuse against sexual orientation and gender identity
  - Inappropriate use of social media or online technology

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that suspension is an appropriate sanction.

Before deciding whether to suspend 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 suspension were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

### **Roles and responsibilities**

The Headteacher will immediately provide the following information, in writing, to the parents/ carers of a suspended pupil:

- The reason(s) for the suspension
- The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents/carers' right to make representations about the suspension to the Local Governing Board and how the pupil may be involved in this
- The Headteacher will also notify parents/carers by the end of the afternoon session on the day their child is suspended that for the first 5 school days of a suspension, or until the start date of any special school where this is earlier, parents/carers are legally required to ensure that their child is not present in a public place during school hours without good reason. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.
- The Headteacher would also notify the Chair of the Local Governing Board and the Local Authority if a suspension would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) in a term. For a fixed-period suspension of more than 5 school days, Estuary Academy Island will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

## **Exclusion Procedure**

The DfE regulations allow the Headteacher to suspend a pupil for one or more fixed periods not exceeding 45 school days in any one school year. The Trust has established arrangements to review promptly all fixed-term suspensions that would lead to a pupil being suspended for over 15 days in a school term or missing a public examination. The Trust has established arrangements to review fixed-term suspensions which would lead to a pupil being suspended for over five days but not over 15 days in a school term where a parent/carer has expressed a wish to make representations.

An alternative to fixed-term suspension may take the form of one-to-one intervention, with the pupil working alone or being asked to attend at a different time (e.g., 2.30-3.30pm).

However, in some circumstances, either because of the severity of the incident or because of practical or logistical constraints, such an exclusion will result in the pupil being required to remain at home.

During the course of a fixed-term suspension where the pupil is to be at home, parents/carers are advised that the pupil is not allowed on school premises, and that daytime supervision is their responsibility as parents/carers.

## **Permanent Exclusion**

As a special school, it is highly unlikely that a pupil will ever be permanently excluded. However, should a serious incident warrant the decision for a Permanent Exclusion to be made by the Headteacher, the following guidance will be followed:

School suspensions and permanent exclusions - GOV.UK ([www.gov.uk](http://www.gov.uk))

Parents and carers seeking additional support during or after a school exclusion can access guidance and services from Kent County Council's family support and inclusion resources, including Early Help, Family Hubs, the Children and Families Information Service (CFIS) and impartial advice through the SEND Information, Advice and Support Kent (IASK) service at <https://www.kent.gov.uk/education-and-children/schools/school-attendance/exclusion-and-suspension> and related support pages.

## **Cancelling Exclusions**

The headteacher 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 headteacher 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 headteacher 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.

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.

