



Suspension and Exclusion Policy

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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 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 (2024). 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

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 Decision to Suspend

Suspension is used as a last resort sanction to ensure the safety, respect and wellbeing of all members of our school community, and is only administered by the Head of School (or, in their absence, a member of SLT who is acting in that role). A permanent exclusion will be considered 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 Schools 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, spitting, throwing objects and jostling)
- Physical assault against an adult (this includes, but it is not limited to, violent behaviour, wounding, obstruction, spitting, throwing objects and jostling)
- Verbal abuse/threatening behaviour against a pupil (this includes, but is not limited to, threatened violence, aggressive behaviour, swearing, harassment & verbal intimidation)
- Verbal abuse/threatening behaviour against an adult (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, transphobic, cyber bullying including the use of AI and hazing)
- 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 and online racial abuse)
- Sexual misconduct (this includes, but it is not limited to, sexual abuse, sexual assault, sexual harassment, lewd behaviour, sexual bullying, sexual graffiti, upskirting, sharing or production of sexual content)
- 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 and vaping)
- 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 and damage to neighbouring property)
- 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, ongoing unacceptable behaviour, disobedience, persistent violation of school rules and breaches of health and safety)
- Use or threat of use of an offensive weapon
- Willful and repeated transgression of protective measures in place to protect public health

- Abuse relating to sexual orientation, gender identity, disability or any protected characteristic

Inappropriate use of social media or online technology (this includes bullying, criminal activity, inciting violence and creating inappropriate or illegal content)

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

Before deciding whether to suspend a pupil, either permanently or for a fixed period, the Head of School 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
- Collate statements from students and staff involved in, or bearing witness to the incident
- Review available CCTV footage
- Review interventions and strategies used to re-direct behavior
- Consult with the safeguarding team
- Consider if the pupil has special educational needs (SEN)
- Consider the balance of probabilities – “it is more likely than not that a fact is true” (DFE 2024)

Roles and responsibilities

The Head of School 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
- Invitation to a post-suspension meeting, where appropriate
- The Head of School 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 alternative provision 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 Head of School 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 North will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

Students who are suspended from school will be provided with work for completion via Google classroom.

Exclusion Procedure

The DfE regulations allow the Head of School 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 an Alternative Provision 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 2024](#)