Exclusion Policy

Updated July 2026

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Review is the responsibility of:	Trust Board

Review History

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Authorised by: Full Trust Board

Revisions made:		
Date:	**Page no.**	**Description of changes:**
July 2026		Revisions made throughout in line with the DfE 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England (July 2026, effective 26 July 2026)'

1. Definitions

The term “Head teacher” also refers, where appropriate, to any other title used to identify the Head Teacher, such as Principal and Executive Headteacher.

2. Exclusion Criteria

Sometimes a pupil’s behaviour will lead to a period of suspension from school or a permanent exclusion will sometimes be necessary as a last resort. This is to ensure that other pupil’s and teaching staff are protected from disruption and can learn in safe, calm and supportive environments.

Aspire Learning Trust conforms to the Department for Education Guidance entitled ‘ **Suspension and Permanent Exclusions (July 2026, effective 26 July 2026)** when making decisions on suspensions and exclusions. A copy of this document can be downloaded from the Department for Education website:-

https://www.gov.uk/government/publications/school-exclusion

Our Exclusion Policy should be read in context with the schools Behaviour policy and SEND policy.

3. Legal and Regulatory Framework

This policy has due regard to:

- Education Act 1996
- Education Act 2002 (as amended by the Education Act 2011)
- Education and Inspections Act 2006
- Equality Act 2010
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended in 2014
- SEND Code of Practice: 0–25 years
- Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England (DfE, July 2026, effective from July 2026)
- Behaviour in Schools: Advice for Headteachers and School Staff
- Mental Health and Behaviour in Schools (2018)
- School Attendance (Pupil Registration) (England) Regulations 2024

4. What is an Exclusion?

Exclusion is a disciplinary sanction and means that a pupil is not allowed on the school premises for the duration of the Exclusion.

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

There are two types of Exclusion:

- Suspension – when a pupil is removed from the school for a fixed period. (previously called fixed-term exclusions)
- Permanent Exclusion – where when a pupil is removed from the school permanently and taken off the school admission register.

5. Safeguarding Separation (Not an Exclusion)

In rare circumstances, a pupil may be required to remain away from school for safeguarding reasons. This is not an exclusion.
This may include situations where pupils must be kept apart for safety. In such cases:

- A risk assessment will be undertaken
- This measure will not be used as a disciplinary sanction
- Appropriate education will be arranged
- The arrangement will be clearly recorded

6. Suspensions

This means that a pupil is not allowed in school for a specified number of days because they have breached the school's behaviour policy. Pupils who misbehave at lunchtime may be suspended for lunchtime only. Each lunchtime suspension counts as half a day.

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 a continuous period.

When a pupil is suspended the Headteacher must:

- Notify parents/carers without delay of the period of the suspension and the reasons for it
- Take reasonable steps to ascertain and consider the views of the child, taking account of age, understanding and communication needs, before decisions are made where practicable.
- Record safeguarding, SEND and equality considerations
- Set work for the first five days
- Arrange full-time education from the sixth day
- Notify the Local Authority, Social Services and other agencies involved with the pupil where appropriate.
- Notify the Local Governing Body where there is a legal duty to do so and where any suspension would result in the pupil being suspended for more than five school days (ten lunchtimes) in a term.

The pupil is not allowed on the school site for a definite period; however, this does not have to be a continuous period. This might apply if a pupil attends college or other off-site provision for part

of the week.

When a pupil is suspended, the school must set and mark work for the first five days of the suspension and from the sixth day must provide a full-time education provision. Reasonable adjustments will be made for those pupils with special educational needs.

During the suspension, the pupil must not be in a public place during school hours and the parents/carers are responsible for the whereabouts of the pupil.

On returning to school, there will be a re-integration meeting, in which all those concerned can discuss the best way forward for the pupil.

The school cannot extend a suspension or 'convert' 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 period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

In exceptional circumstances, pupils may receive a suspension prior to a permanent exclusion. For each decision, the Headteacher will send the relevant letter, setting out the rights of parents. A suspension cannot be converted into a permanent exclusion and so any subsequent permanent exclusion would be a fresh decision due to commence immediately after the suspension had ended. Exceptional circumstances may include where further evidence has come to light or where the incident was serious and time is required to fully investigate the circumstances and consider alternatives.

7. Permanent Exclusions

Permanent exclusion is when a pupil is permanently excluded for serious or persistent breaches of the school's behaviour policy and where remaining in school would harm the education or welfare of themselves or of others.

Permanent exclusion should only be used as a last resort and it means that the pupil would no longer be allowed to attend the school. Only the Headteacher or Acting Headteacher may exclude a pupil.

- For the first five days, the parents/carers are responsible for the pupil's whereabouts and he/she must not be in a public place during school hours.
- For the first five days, the school should set work and provide resources for the pupil.
- Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) will also be considered.
- The Local Authority must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion.
- Where a pupil has an EHCP, the Local Authority must ensure that an appropriate full-time placement is identified in consultation with the parents/carers, who retain their rights to express a preference for a school that they wish their pupil to attend, or make representations for a placement in any other school.

- Where an excluded pupil is due to sit an external examination, suitable arrangements will be made to ensure the pupil can still sit the examination.

The school's Local Governing Body will meet:-

- to decide whether or not to reinstate a pupil and if the Headteacher decision to exclude was justified based on the evidence.

- For parents/carers and the pupil to have an opportunity to present their point of view, regarding the exclusion.

If the permanent exclusion is upheld by the members of the Local Governing Body, the parents/carers have the right to appeal to an Independent Review Panel.

When establishing the facts in relation to an exclusion decision, the Headteacher 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'.

8. Managed Move

A managed move may be considered at the Headteacher's discretion as an alternative to permanent exclusion. This term refers to an inter-school agreement whereby a pupil is removed from one school's roll and placed on another in the same area, avoiding a permanent exclusion on the pupils school record and offering a fresh start. This is an inclusion strategy designed to keep the pupil in mainstream education, albeit at another school for the remainder of their school career.

Managed moves must:

- Be agreed with parents
- Not be used as trial placements
- Follow the School Admissions Code
- Be formally recorded

If it is decided that a managed move is in the pupil's best interests, the original school and new school will work together to make sure that any personal education plan (PEP) that the pupil has is reviewed and amended to reflect the move.

9. Off Site Direction

Off-site direction is when a pupil is required to attend another education setting temporarily to improve their behaviour. Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction should be used to arrange time limited placements at an alternative provision or another mainstream school.

This will include:

- Written notification to parents
- Regular review of the placement
- Appropriate safeguarding oversight

When considering off-site direction, the school complies with the Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026, and has regard to the Arranging alternative provision: a guide for local authorities and schools.
The length of time a pupil spends in another mainstream school or alternative provision will depend on what best supports the pupil's needs and potential improvement in behaviour.

10. Equality and Pupils with Disabilities and Educational Needs (SEND) including those with Education, Health and Care plans (EHCP)

Before making a decision to exclude, there are certain factors that should be taken into consideration for pupils who display disruptive behaviour that is as a result of their Special Educational Need (SEND).

The school will ensure reasonable adjustments are made and additional support is considered.

Schools should engage proactively with parents/carers in supporting the behaviour of pupils with additional needs. Early intervention to address underlying causes of disruptive behaviour should include:

- An assessment of whether appropriate provision is in place to support any SEND or disability that a pupil may have.
- The Headteacher should also consider the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour.
- The Headteacher and Local Governing Body must take account of their statutory duties in relation to SEND when administering the exclusion process. This includes having regard to the SEND Code of Practice.

Where a school has concerns about the behaviour, or risk of exclusion, of a pupil with additional needs, a pupil with an Educational Health Care Plan (EHCP) it should, in partnership with others (including the Local Authority as necessary) consider what additional support or alternative placement may be required.

The decision to exclude a pupil must be:

- lawful
- reasonable
- proportionate
- a last resort after appropriate interventions have been considered

Schools have a statutory duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, particularly disability**.** In addition, the Trust monitors exclusion data for groups including pupils with SEND, pupils from different ethnic groups, looked-after children, pupils with social workers and disadvantaged pupils.

Failure to do so may render an exclusion unlawful.

11. Pupils who have a social worker, including looked-after children, and previously looked-after children

The school will work with relevant professionals to ensure safeguarding responsibilities are met.

For the majority of children who have a social worker, this is due to known safeguarding risks at home or in the community.

For Children with a social worker, education is an important protective factor, providing a safe space for children to access 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. However, headteachers 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 headteacher 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 Virtual School Head (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 academy address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. This should include how the school is using Pupil Premium Plus, and consideration should be given to how effectively the current Personal Education Plan (PEP) is being implemented and whether an interim PEP review needs to be called. 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.

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.

Where a pupil has a social worker, including if they have a Child in Need Plan or a Child Protection Plan and as soon as the original school is contemplating a managed move and prior to it, the social worker should be notified as well as the DSL and (unless this would lead to safeguarding risks) the pupil's parents. For looked-after children, the relevant authority's VSH should also be notified of the proposed managed move.

If agreed by all relevant parties that a managed move is in the best interests of the pupil, then the original and the new school should ensure any PEP is appropriately reviewed and amended to take account of the managed move and the relevant statutory duties on the new school and the local authority will apply.

12. Duty to Inform Parents

To ensure that a child receives the correct support and protection during a suspension or permanent exclusion, it is important that those responsible for their care are promptly informed when exclusions occur or there is a risk of them occurring. As well as communicating with the child where relevant throughout the exclusion process, this section sets out how and when schools should and must share information with parents, social workers, VSH, local authorities, and governing boards.

The parent or the excluded pupil (if they are 18 years or older) must be informed without delay of the length and type of exclusion and of their right to make representations to the governors. Ideally, this notification should be by telephone or in person in the first instance, followed by a letter. Written notification must be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can also be sent electronically if the parents have given written agreement for this kind of notice to be sent in this way. Pupils over 18 have to be informed and have the right to appeal on their own behalf. Pursuant to the duty of care placed on schools to ensure the welfare of pupils, parent(s) must be advised of an exclusion prior to the pupil being sent off-site. To ensure compliance with the most up-to-date government guidance, our schools maintain standard letters for notifying parents of exclusions and an explanatory note to accompany each letter setting forth their rights of representation.

Parents/carers/the pupil have the right to request that the meetings be held remotely.
Parents and the pupil have the right to request to be accompanied by a friend or representative (where a pupil under 18 years old is to be invited as a witness, the governing board should first seek parental consent); more than one friend or representative can be permitted to accompany, having regard to a reasonable limit on numbers attending the meeting.

13. Cancelling Exclusions

The Headteacher may cancel an exclusion that has already begun, but this should only be done where it has not yet been reviewed by the pupil discipline committee. Where an exclusion is cancelled, then:

- Parents, the governors, and the local authority should be notified without delay and, if relevant, the social worker and Virtual School Head
- All records updated;
- Parents should be offered the opportunity to meet with the Headteacher to discuss the circumstances that led to the exclusion being cancelled;
- Schools should report to the governors once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governors to have appropriate oversight;
- The Headteacher must notify the LA without delay of any cancelled exclusions, including the reason exclusion was cancelled and;
- The pupil should be allowed back into the school without delay

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.

14. The Local Governing Body's Role

The Local Governing Body has a duty to consider parents/carers' representations about a suspension or permanent exclusion.

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

The Local Governing Body must consider the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher 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; or
- It would result in a pupil missing a public examination or national curriculum test.

If a pupil would be suspended from school for more than five school days, but not more than 16, in a single term, and requested to do so by the parents/carers, the Local Governing Body must meet within 50 school days after they receive the parent's request. Parents do not need to be present when the governors meet.

In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the governing body must consider any representations made by parents/carers, but **it cannot direct reinstatement as it does not have the power to overturn the headteacher's decision** and is not required to arrange a meeting with parents/carers. In this case they should consider whether it would be appropriate to place a note of their findings on the pupil's educational record.

When establishing the facts in relation to a suspension or permanent exclusion decision the governing body 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'.

Excluded pupils are encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

In the light of their consideration, the Local Governing Body may (where applicable):

- uphold a suspension or permanent exclusion; or
- direct reinstatement of the pupil immediately or on a particular date.

Where reinstatement is not practical because, for example, the pupil has already returned to

school following the expiry of a suspension or the parents/carers make clear they do not want their pupil reinstated, the Local Governing Body must, in any event, consider whether the Headteacher's decision to exclude the pupil was justified based on the evidence.

In reaching a decision on whether or not to reinstate a pupil, the Local Governing Body should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the Headteacher's legal duties.

15. Independent Review Panel

Parents have the right to request a review of permanent exclusions.

If applied for by parents/carers within the legal time frame, an independent review panel hearing will be arranged to review the decision of a governing body not to reinstate a permanently excluded pupil.

The legal time frame for an application is:

- within 15 school days of notice being given to the parents/carers by the Local Governing Body of their decision to uphold a permanent exclusion or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

If requested by parents/carers in their application for an independent review panel, Aspire Learning Trust must appoint a SEND expert to attend the panel and cover the associated costs of this appointment. The SEND expert's role is like that of an expert witness, providing impartial advice to the panel on how special educational needs might be relevant to the exclusion, for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil. Parents/carers have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their pupil has SEND.

The role of the panel is to review the governing body's decision **not to reinstate a permanently excluded pupil**. In reviewing the decision, the panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The panel 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'.

Following its review, the panel can decide to:

- uphold the permanent exclusion decision;
- recommend that the governing body reconsiders their decision, or
- quash the decision and direct that the governing body considers the permanent exclusion again.

An independent review panel does not have the power to direct a Local Governing Body to re-

instate a permanently excluded pupil. However, where a panel decides that a Local Governing Body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a Local Governing Body to reconsider its decision.

If your child is still permanently excluded parents/carers can ask the Education Funding Agency to look at whether your case was handled properly. They can't overturn the exclusion.

16. Record Keeping

The school will maintain clear records including:

- Reasons for exclusion
- Interventions undertaken
- Safeguarding considerations
- SEND and equality factors