



Suspensions / Exclusion Policy

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ETHICAL LEADERSHIP

1. Thomas Tallis School Plan aims are:

1	Powerful Knowledge for all
2	Tallis Praxis
3	The Tallis Experience
4	Learning Behaviours to Build a Strong Community
5	A Model for a Better World

As part of the aims Thomas Tallis School has adopted the *Framework for Ethical Leadership in Education*. This means that we try to behave in a principled and correct manner in everything we do.

Schools and colleges serve children and young people and help them grow into fulfilled and valued citizens. As role models for the young, how we behave as leaders is as important as what we do. We therefore behave with **selflessness, integrity, objectivity, accountability, openness, honesty and leadership**. We demonstrate **trust, wisdom, kindness, justice, service, courage and optimism**.

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1. Aims

We are committed to following all statutory suspensions/exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our school aims to:

- Ensure that the suspensions process is applied fairly and consistently
- Help governors, staff, parents and students understand the suspensions process
- Ensure that students in school are safe and happy
- Prevent students from becoming NEET (not in education, employment or training)
- Ensure all suspensions and exclusions are carried out lawfully

2. Legislation and statutory guidance

2.1. This policy is based on statutory guidance from the Department for Education:

https://assets.publishing.service.gov.uk/media/66be0d92c32366481ca4918a/Suspensions_and_permanent_exclusions_guidance.pdf

2.2. It is based on the following legislation, which outlines schools' powers to exclude students:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

2.3. In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out 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](#)
- [The Equality Act 2010](#)

- [Children and Families Act 2014](#)
- The [School Inspection Handbook](#), which defines 'off-rolling'

3. Definitions

- 3.1. **Suspension** – when a student is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.
- 3.2. **Exclusion** – when a student is removed from the school permanently and taken off the school roll. This is referred to as an 'exclusion'.
- 3.3. **Off-site direction** – when a governing board of a maintained school requires a student to attend another education setting temporarily, to improve their behaviour.
- 3.4. **Parent** – any person who has parental responsibility and any person who has care of the child.
- 3.5. **Managed move** – when a student is transferred to another school, initially on a trial period, with a view to the move becoming permanent if the trial is successful. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

4. Roles and responsibilities

4.1. The Headteacher

4.1.1. *Deciding whether to suspend or exclude*

Only the Headteacher, or acting Headteacher, can suspend or exclude a student from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The Headteacher will only use exclusion as a last resort.

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

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a student, 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 student to give their version of events
- Consider whether the student has special educational needs (SEN)
- Consider whether the student is especially vulnerable (e.g. the student has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves

The Headteacher will consider the views of the student, considering their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Students 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.

4.1.2. *Informing parents (or the student where they are 18 or older)*

If a student is at risk of suspension or exclusion the Headteacher will inform the parents/student as early as possible, in order to work together to consider what factors may be affecting the student's behaviour, and what further support can be put in place to improve the behaviour.

If the Headteacher decides to suspend or exclude a student, the parents/student will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for an exclusion, the fact that it is permanent
- Information about the parents'/student's right to make representations about the suspension or exclusion to the governing board and, where the student is attending alongside parents, how they may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a student, and that parents/the student have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That parents/the student have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the student is of compulsory school age, the Headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or 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 are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies

- Parents 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 the student needs in order 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 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 exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

If the Headteacher cancels the suspension or exclusion, they will notify the parents/student without delay, and provide a reason for the cancellation.

4.1.3. *Informing the local authority (LA)*

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

The notification will include:

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

For exclusion, if the student lives outside the LA in which the school is located, the Headteacher will also, without delay, inform the student's 'home authority' of the exclusion and the reason(s) for it.

The Headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

4.1.4. *Informing the student's social worker and/or virtual school head (VSH)*

If a student with a social worker is at risk of suspension or exclusion, the Headteacher will inform the social worker as early as possible.

If a student who is a looked-after child (LAC) is at risk of suspension or exclusion, the Headteacher will inform the VSH as early as possible.

This is to work together to consider what factors may be affecting the student's behaviour, and what further support can be put in place to improve the behaviour.

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

- They have decided to suspend or exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for an exclusion, the fact that it is permanent
- The suspension or exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)
- They have decided to cancel a suspension or exclusion, and why (where relevant)

The social worker/VSH will be invited to any meeting of the governing board about the suspension or exclusion. This is so they can provide advice on how the student's background and/or circumstances that may have influenced the circumstances of their suspension or exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are considered.

4.1.5. *Cancelling suspensions and exclusions*

The Headteacher may cancel a suspension or exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the governing board. The decision to cancel a suspension may be due to new evidence. Where there is a cancellation:

- The parents, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- The notification must provide the reason for the cancellation
- The governing board's duty to hold a meeting and consider reinstatement ceases
- Parents will be offered the opportunity to meet with the Headteacher to discuss the cancellation, which will be arranged without delay

- The student will be allowed back in school 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 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.

4.1.6. *Providing education during the first 5 days of a suspension or exclusion*

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the Headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Work will be set via Bromcom or Microsoft Teams. If the pupil has a special educational need or disability, the Headteacher will make sure that reasonable adjustments are made to the provision where necessary.

4.1.7. *Thomas Tallis is a large school.*

While the decision to suspend, exclude or direct offsite will always be made by the Headteacher the initial contact with parents and students may be made by a Deputy or Assistant Headteacher. In making those contacts that person will act at the Headteacher's direction and with the authority of the Headteacher.

4.2. The Governing Board

4.2.1. *Considering suspensions and exclusions*

Statutory Governor responsibilities regarding suspensions and exclusions are delegated to the Inclusion Committee consisting of at least 3 governors.

The Inclusion Committee of the governing board has a duty to consider parents' representations about a suspension or exclusion. It has a duty to consider the reinstatement of a suspended or 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 Local Authority with information about any suspensions or exclusions within the last 12 months.

For permanent exclusions the Local Authority will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

The governing board does not have to arrange such provision for pupils in their final year of compulsory education who do not have any further public exams to sit.

4.2.2. *Monitoring and analysing suspensions and exclusions data*

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 governing board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or exclusion
- Any variations in the rolling average of exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of moves and exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- The characteristics of suspended and excluded pupils, and why this is taking place
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site

4.3. The Local Authority (LA)

For exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For students who are looked after or have social workers, the LA and the school will work together arrange suitable full-time education to begin from the first day of the exclusion.

5. Considering the Reinstatement of a Student

The governing board will consider and decide on the reinstatement of a suspended or excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent.
- It is a suspension which would bring the pupil's total number of days out of school to more than 15 in a term; or
- It would result in a pupil missing a public exam or National Curriculum test.

Where the student has been suspended, and the suspension does not bring the student's total number of days of suspension to more than 5 in a term, the governing board must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the Headteacher to reinstate the student.

Where the student has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents make representations to the board, the governing board will consider and decide on the reinstatement of a suspended student within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the Headteacher to reinstate the pupil.

Where a suspension or exclusion would result in a student missing a public exam or National Curriculum test, the governing board will, as far as reasonably practicable, consider and decide on the reinstatement of the student before the date of the exam or test. If this is not practicable, the chair of the governing board (or the vice-chair, if necessary) may consider the suspension or exclusion and decide whether or not to reinstate the student.

The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- Parents (and, where requested, a representative or friend)
- The student, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The Headteacher
- The student's social worker, if they have one
- The VSH, if the student is looked after
- A representative of the local authority

Governing board meetings can be held remotely at the request of parents. See section 9 for more details on remote access to meetings.

The governing board will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The governing board can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, the governing board will consider:

- Whether the decision to suspend or exclude was lawful, reasonable, and procedurally fair

- Whether the Headteacher followed their legal duties
- The welfare and safeguarding of the student and their peers
- Any evidence that was presented to the governing board

They will decide whether a fact is true 'on the balance of probabilities'.

The clerk will be present when the decision is made.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered.

The outcome will also be recorded on the student's educational record, and copies of relevant papers will be kept with this record.

The governing board will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents
- The Headteacher
- The student's social worker, if they have one
- The VSH, if the student is looked after
- The local authority
- The student's home authority, if it differs from the school's

Where an exclusion is permanent and the governing board has decided not to reinstate the student, the notification of decision will also include the following:

- The fact that it is an exclusion
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the student's special educational needs (SEN) are relevant to the exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to advise the review panel
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review

- That parents 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 believe that the exclusion has occurred as a result of unlawful 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. Also that any 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

6. Considering the reinstatement of a student

If parents apply for an independent review within the legal timeframe, the LA will, at their own expense, arrange for an independent panel to review the decision of the governing board not to reinstate a excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing board of its decision to not reinstate the pupil or, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the exclusion. Any applications made outside of this timeframe will be rejected.

Independent reviews can be held remotely at the request of parents. See section 9 for more details on remote access to meetings.

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 governor category and 2 members will come from the Headteacher category. At all times during the review process there must be the required representation on the panel.

- 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.
- Current or former 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 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 or student, 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)

The panel must consider the interests and circumstances of the student, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

Taking into account the student's age and understanding, the student or their parents will be made aware of their right to attend and participate in the review meeting and the student should be enabled to make representations on their own behalf, should they desire to. Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the student's exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the student's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's exclusion.

Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the Headteacher in the lead up to the exclusion or are relevant to the student's exclusion.

Following its review, the independent panel will decide to do 1 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 if it judges that the decision was flawed)

New evidence may be presented, though the school cannot introduce new reasons for the exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it
- Where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the pupil within 10 school days
- Any information that the panel has directed the governing board to place on the pupil's educational record

7. School registers

A pupil's name will be removed from the school admission register if:

- 15 school days have passed since the parents were notified of the governing board's decision to not reinstate the student and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

7.1. Making a return to the LA

Where a student's name is to be removed from the school admissions register because of an exclusion, the school will make a return to the LA. The return will include:

- The student's full name
- The full name and address of any parent with whom the student normally resides
- At least 1 telephone number at which any parent with whom the student normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e. exclusion)
- Details of the new school the student will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school

- Details of the student's new address, including the new address, the name of the parent(s) the student is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

8. Returning from a suspension

8.1. Reintegration meetings

The student, parents, Head of Year, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents if they cannot or do not attend, but it is essential that parents engage with this process to ensure a successful reintegration.

The school expects all returning students and their parents to attend their reintegration meeting, but students who do not attend will not be prevented from returning to the classroom. Instead, their Head of Year/ Deputy Head of Year will meet them to ensure a successful reintegration before they return to lessons.

9. Remote access to meetings

Parents can request that a governing board meeting, or independent review panel be held remotely. If the parents don't express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

The governing board and LA should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology which will allow them to hear, speak, see and be seen.
- All the participants will be able to participate fully.
- The remote meeting can be held fairly and transparently.

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, if they can meet the conditions for remote access listed above. The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently.

10. Monitoring arrangements

The school will collect data on the following:

- Attendance, exclusions and suspensions
- Use of pupil referral units, off-site directions, and managed moves
- Anonymous surveys of staff, pupils, governors and other stakeholders on their perceptions and experiences

The data will be analysed every term by the Assistant Headteacher for Behaviour who will report back to the Headteacher and governing board.

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By time of day/week/term
- By protected characteristic
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The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies to tackle it.

This policy will be reviewed by the Deputy Headteacher for Inclusion & Equality every year. At every review, the policy will be approved by the Inclusion Committee of the governing board.

11. Linked Policies

This policy is linked to our:

- Behaviour policy
- SEND policy
- SEN information report

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