



Exclusions and Suspensions Policy

Approved by:

Standards & Culture Committee

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Exclusion Policy

1 Introduction

For the vast majority of pupils, suspensions and permanent exclusions will not be necessary, as other strategies can manage their behaviour. If these approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff can work in safety and are respected.

- 1.1 SEAX Trust's Exclusion Policy aims to set out the process that will be followed and the additional considerations around suspensions and exclusions that the Trust will apply. Good behaviour and self-discipline lead to effective learning and help prepare children and young people for life beyond the school gate. At the SEAX Trust, we are aware that our pupils' special educational needs mean that there are many reasons for their behaviour and we constantly try to see beyond their actions to the need they are trying to communicate and then we use our skills, knowledge and resources to do our best to meet it
- 1.2 Where the SEAX Trust's approaches towards positive behaviour management and trauma informed practice have been exhausted, then suspensions will sometimes be necessary as a last resort. The time when a young person is suspended will be used to explore changes to the offer in our schools to meet their needs. We will always adapt our offer and practices to try to meet the needs of all pupils. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments. Permanent exclusions are unlikely to be necessary and, in cases where there is a concern that a pupil remaining at a school is not possible, the Headteachers will contact the Local Authority to seek an emergency annual review, in order to avoid the double disadvantage of a special educational need and a permanent exclusion on a child's record.
- 1.3 The SEAX Trust will always have regard to the Statutory Guidance on Suspensions and Exclusions (August 2024 when making decisions on suspensions and exclusions and will follow the law, as set out in the relevant School Discipline (Pupil Exclusions and Reviews) (England) Regulation 2012 (as amended).
- 1.4 The principal legislation to which this guidance relates is:
 - (a) the Education Act 2002, as amended by the Education Act 2011;
 - (b) the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
 - (c) the Education and Inspections Act 2006;

- (d) the Education Act 1996; and
- (e) 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.

1.5 This policy should be read in conjunction with the behaviour policy and the SEND policy for the schools in the SEAX Trust.

2 Application of Policy

2.1 This policy applies to all members of the SEAX Trust community. Each school within the Trust will apply suspensions and exclusions in accordance with this policy and ensure that its contents are relayed to all staff, parents and pupils.

3 Types of Exclusion

Suspensions and permanent exclusions are different:

3.1 Suspensions (previously called fixed-term exclusions) are when a pupil is prevented from attending the school for a fixed period. At the end of the period, they are expected to return to school following a reintegration meeting. A pupil may receive a maximum 45 days of suspension in an academic year before being permanently excluded. Each school will review regularly any suspensions and ensure that repeat suspensions are shared and discussed with the relevant leaders in the SEAX Trust executive team.

3.2 Permanent exclusions are when, subject to a decision of the Trust Board to reinstate the pupil to the school, the pupil is prevented from attending the school again. A decision to permanently exclude will 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.

4 Roles and Responsibilities

All members of the Trust community are expected to follow this policy. Roles, responsibilities and expectations of each section of the Trust community are set out in detail below.

4.1 The Headteacher

All decisions to suspend or permanently exclude a pupil will be taken by the Headteacher after considering all the circumstances. Every decision made will be proportionate to the seriousness of the behaviour with reference to the School's behaviour policy.

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

A decision to suspend a pupil will be taken only:

- (a) In accordance with the school's behaviour policy
- (b) To provide a clear signal of what is unacceptable behaviour
- (c) To show a pupil that their current behaviour is putting them at risk of permanent exclusion

Where suspensions have become a regular occurrence, the headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

A decision to exclude a pupil will be taken only:

- (d) In response to serious or persistent breaches of the school's behaviour policy, and
- (e) If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a pupil, the headteacher will:

- (f) Always consider the motivation for the behaviour concerned. All pupils in SEAX Schools have an EHCP and therefore have a range of needs and behaviours which are directly related to their special educational needs and/or disabilities. Behaviours which are a result of an unmet need relating to their EHCP may mean that an adapted approach is taken to this policy.
- (g) Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- (h) Allow the pupil to give their version of events
- (i) Consider whether the pupil has special educational needs (SEN) which is likely to be a factor in their behaviour and consider whether all alternatives have been tried and given time to work
- (j) Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))

Consider whether all alternative solutions have been explored, such as:

- (k) The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.
- (l) Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent/carer or social worker. Our schools are very sensitive to the communication barriers some of our young people have. They will ensure that pupil's views are expressed in whatever is the best way for that pupil, which will be reflected in their EHCP and Annual Review paperwork.

The headteacher will not reach their decision until they have heard from the pupil and will inform the pupil of how their views were taken into account when making the decision.

Informing parents/carers or the pupil where they are 18 or older

We are aware that we must inform any pupil over the age of 18 about any decisions we make in relation to the policy. We will also always inform parents/ carers as our pupils have special educational needs and will be supported by their parents/ carers in all suspension and exclusion matters

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

If the headteacher decides to suspend or exclude a pupil, the parents/carers/pupil 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/carers/pupil will also be provided with the following information in writing, without delay:

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

Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- (o) Pupil with a social worker is at risk of suspension or permanent exclusion, the headteacher will inform the social worker as early as possible
- (p) Pupil 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 in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

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

- (q) They have decided to suspend or permanently exclude the pupil
- (r) The reason(s) for the decision
- (s) The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- (t) The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)
- (u) They have decided to cancel a suspension or permanent exclusion, and why (where relevant)

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

Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways may be used for this, however, as all of our pupils have Special Educational Needs, the headteacher will make sure that reasonable adjustments are made to the provision where necessary and that the work set is appropriate and accessible

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

4.2 The Trustees

The Trust Board is responsible for forming committees to review exclusions and suspensions when it is required to do so, it is requested by parents, or it is, in its view, prudent to review an individual decision. In each case, the decision of the relevant committee formed by the Trust Board will be to decide whether to uphold the exclusion or suspension, or instead to reinstate the pupil to the school.

Considering the reinstatement of a pupil

A committee of the Board of Trustees, which could include local governors will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- (i) The exclusion is permanent

- (ii) It is a suspension that would bring the pupil's total number of days out of school to more than 15 in a term; or
- (iii) It would result in a pupil missing a public exam or National Curriculum test
- (iv) Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the committee of the Trust Board must consider any representations made by parents/carers/the pupil if they are 18 or older. However, it is not required to arrange a meeting with parents/carers/the pupil and it cannot direct the headteacher to reinstate the pupil.
- (v) Where the pupil has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents/carers/pupil make representations to the board, [the committee of the Trust Board] will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents/carers/pupil do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the pupil.
- (vi) Where a suspension or permanent exclusion would result in a pupil missing a public exam, the committee of the Trust board will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test.

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

- (vii) Parents/carers, or the pupil if they are 18 or older (and, where requested, a representative or friend)
- (viii) The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- (ix) The headteacher
- (x) The pupil's social worker, if they have one
- (xi) The VSH, if the pupil is looked after

The Trust 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 Committee of the Trust Board can either:

- (xii) Decline to reinstate the pupil, or
- (xiii) Direct the reinstatement of the pupil 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 Committee of the Trust Board will consider:

- (xiv) Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- (xv) Whether the headteacher followed their legal duties
- (xvi) The welfare and safeguarding of the pupil and their peers
- (xvii) Any evidence that was presented to the governing board
- (xviii) They will decide whether or not 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 pupil's educational record, and copies of relevant papers will be kept with this record.

The Committee of the Trust Board will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- (xix) The parents/carers, or the pupil if they are 18 or older
- (xx) The headteacher
- (xxi) The pupil's social worker, if they have one
- (xxii) The VSH, if the pupil is looked after
- (xxiii) The local authority
- (xxiv) The pupil's home authority, if it differs from the school's

Where an exclusion is permanent and the committee of the Trust board] has decided not to reinstate the pupil, the notification of decision will also include the following:

- (xxv) The fact that it is a permanent exclusion
- (xxvi) Notice of parents/carers'/the pupil's (if they are 18 or older) right to ask for the decision to be reviewed by an independent review panel
- (xxvii) 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/carers)
- (xxviii) The name and address to which an application for a review and any written evidence should be submitted
- (xxix) 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 pupil's special

educational needs (SEN) are considered to be relevant to the permanent exclusion

(xxx) That, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require the /academy trust to appoint an SEN expert to advise the review panel

(xxxii) Details of the role of the SEN expert and that there would be no cost to parents/carers for this appointment

(xxxii) That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review

(xxxiii) That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review

(xxxiv) That, if parents/carers believe that the permanent 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

4.3 Parents/Carers

Parents will be informed, without delay, of any suspension or exclusion and there is an ability to make representations in regard to any suspension or exclusion decision. Details will be provided on the rights parents have with every letter that is sent from the Headteacher.

4.4 Pupils

All pupils of the schools in the Trust are expected to follow the expectations regarding their good conduct to ensure that all pupils can feel safe, learn and participate in school life effectively. Where those expectations are breached, each school' bespoke behaviour policy will apply.

5. CCTV, Witness Evidence and Pupil Views

5.1 The SEAX Trust academies have Close Circuit Television (CCTV) within their premises. This is to provide a safe and secure environment for pupils, staff and visitors. If behavioural incidents are recorded on CCTV, the footage may be viewed as part of the investigation and the content considered before imposing a sanction. If CCTV is relied upon for a decision on a suspension or exclusion, then it will be shown in some format (redacted as necessary) at any Trustee review meeting. Please see the School and Trust's CCTV policy and privacy notices for more information.

- 5.2 Where witness evidence is relied upon, whether that be from a pupil or a staff member, the statement(s) will be provided at any Trustees' review meeting. All statements will be signed and dated unless the Headteacher has good reason to protect the anonymity of the relevant witness. Reasons may include threats of reprisals.
- 5.3 Before taking a decision to suspend or exclude and where appropriate, the Headteacher will take the pupil's views into account, and will ensure that every effort has been made to obtain these in light of their age, understanding and any barriers to communication and self – regulation they may have. They will inform the pupil about how their views have been factored into any decision made. Given the special educational needs of our pupils, our pupils will be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. The Headteacher will also take account of any contributing factors identified after an incident has occurred, including having a trauma informed approach to understanding the motivations of any pupil.

6 Reintegration Strategy Meetings following Suspension

- 6.1 Where a pupil is suspended upon return to the school both the pupil and parents will be invited to a reintegration strategy meeting. The purpose of the meeting is to:
- (a) offer the pupil a fresh start
 - (b) help them understand the impact of their behaviour on themselves and others
 - (c) teach them to how meet the high expectations of behaviour in line with the school culture
 - (d) foster a renewed sense of belonging within the school community
 - (e) build engagement with learning

So that further suspensions are not needed school staff will work with the pupil to understand what led to the behaviour and to establish how any changes can be made or further support implemented might reduce the chance of repeat behaviours, understanding at all times that behaviours often result from an unmet need or communication difficulties .Previous behaviour is not seen as an obstacle to future success.

Each school uses various measures to support a pupil's successful reintegration which may include but is not limited to:

- (i) daily contact with a designated pastoral professional in-school
- (ii) ensuring the pupil receives academic support upon return to catch up on any lost progress
- (iii) planned pastoral interventions

- (iv) mentoring by a trusted adult or a local mentoring charity
- (v) regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage; and
- (vi) informing the pupil, parents and staff of potential external support.
- (vii) an adapted timetable to ensure success and the building of positive relationships

In some cases, an early annual review may be called to discuss increased or changing needs and what external support/ different resources may be needed as part of an intervention.

- 6.2 Whilst reintegration meetings are highly encouraged by the Trust, pupils will not be prevented from being admitted to the school or being put in back into their classes because a meeting has not taken place.

7 Cancelling a Suspension or Exclusion

- 7.1 A suspension or exclusion can be cancelled by the Headteacher as long as it has not been considered by the Trustees. In relation to an exclusion, it cannot be cancelled if the total time the pupil was excluded or suspended that academic year would be over 45 days at the point of the decision to cancel the exclusion.
- 7.2 Where a suspension or exclusion is cancelled, the relevant parties will be informed by the Headteacher in accordance with the Statutory Guidance on Suspensions and Exclusions.

8 Suspensions before a Permanent Exclusion

- 8.1. 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.

9. Independent review panels (IRPs)

- 9.1. The SEAX Trust arranges its own IRPs, and requests for an IRP where a permanent exclusion has been upheld should be made to the Director of Governance & Compliance at SEAX Trust within **15 school days**.

- 9.2. Further details on the role and powers of IRPs can be found in part 10 of the Statutory Guidance on Exclusions and Suspensions.

10. Reconsideration by the Trust Board

Where an IRP either recommends reconsideration or quashes the initial decision of the governing board, the decision will be considered within **10 school days**. This may involve a rehearing with oral evidence given by the school and parents or may be a reconsideration with only the governing board members and the clerk present.

11. Remote Meetings

- 11.1 Any Trustee meeting and/or an IRP meeting may be conducted remotely where the parents request it and the meeting can be fairly held remotely, with all participants having access and the ability to make representations. A meeting may also take place remotely where there is an extraordinary event or unforeseen circumstance which means it is not reasonably practicable to hold the meeting in person. Such events can include, but are not limited to, floods, fire and an outbreak of an infectious disease.
- 11.2 In addition, where a child's social worker or the virtual school head are due to attend the meeting, they may join an in-person meeting remotely, as long as it can be fairly accessed, the technology is available, and everyone would be able to make representations.

12 Complaints

If parents have any concerns or complaints over the application or implementation of this policy or feel that they are being pressured into a managed move, they should raise their concerns with a staff member or the Headteacher in accordance with the Trust's Complaints Policy. If the concern relates to an exclusion, the statutory procedure set out in the Statutory Guidance on Exclusions and Suspensions will be followed.

13. Equality Impact

The SEAX Trust does all it can to ensure that its policies do not discriminate against pupils or others, either directly or indirectly, in line with any Equality Act 2010 protected characteristics. This includes race, religion, disability, sexual orientation, and sex. Before bringing this policy into effect the SEAX Trust consulted stakeholders on this policy to gain their views and responses. The consultation responses have informed this policy.

14. Monitoring Arrangements

The Trustees review data on suspensions and exclusions to ensure that the use of suspensions and exclusions is appropriate. The following are monitored by the Trustees to ensure the processes and support for pupils are appropriate:

- (b) the interventions put in place for pupils at risk of suspension and permanent exclusion
- (c) the processes in place for determining and reviewing directions to alternative provision and that such placements are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- (d) full-time educational provision for pupils of compulsory school age from the sixth consecutive school day of a suspension, in particular checking the provision is suitable and quality-assured to ensure that:
- (e) any previous placements have been evaluated, including support for any applicable SEND;
- (f) there is a process in place to monitor the pupil's attendance and behaviour at the provision;
- (g) the correct attendance code is being used;
- (h) the pupil's child protection file and any other information relevant to the pupil's safeguarding and welfare has been securely transferred to their new setting as early as possible
- (i) whether there is any variation within the year on suspensions and permanent exclusions and the characteristics of pupils
- (j) the cost implications of directing children to be educated off-site in alternative provision and whether there are any patterns to the reasons or timing of moves
- (k) whether the school register and absence codes have been recorded correctly
- (l) how the behaviour policy is applied and specifically its consistency
- (m) the circumstances in which pupils receive repeat suspensions
- (n) whether Personal Education Plans for looked after children have been reviewed on a termly basis.