



# Suspension and Permanent Exclusion Policy

## BASE Academy Trust

Policy Reviewed:	September 2025
Next Review:	September 2026
Signature of Chair of Trust Board: Craig Graham	Signature of Executive Headteacher: Lisa Whittaker

## BASE Academy Trust

It is the policy of BASE Academy Trust to ensure that all school's within the Trust try to support pupil behaviour in an active, positive way, employing a wide range of strategies, including those specifically designed to avoid such issues reaching the point of exclusion. Details of these strategies can be found in the behaviour policy of each school.

This policy is underpinned by guidance from the Department of Education (DfE)<sup>1</sup> p3 who state, *'Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education. The government recognises that school exclusions, managed moves and off-site direction are essential behaviour management tools for headteachers and can be used to establish high standards of behaviour in schools and maintain the safety of school communities'* (p3) and that the government *'supports headteachers in using suspension and permanent exclusion as a sanction when warranted as part of creating calm, safe, and supportive environments where both pupils and staff can work in safety and are respected. To achieve this, suspension and permanent exclusion are sometimes a necessary part of a functioning system, where it is accepted that not all pupil behaviour can be amended or remedied by pastoral processes, or consequences within the school'* (p11).

As an inclusive organisation BASE Academy Trust believes that:

- All academies should develop a supportive culture where any exclusion or suspension (previously fixed term exclusion) is seen as an absolute final resort and where best endeavour is used by all school leaders to avoid permanent exclusion from school.
- Suspension should be viewed not as a sanction, but as a mechanism to provide support and to plan interventions. Leaders should consider alternatives to suspensions where possible.
- When an academy's approaches towards behaviour management have been exhausted, then suspensions or permanent exclusions may sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in a safe, calm and supportive environment.

### **1. Purpose of this policy**

This policy is designed to briefly outline the school's approach to suspensions and permanent exclusions within the guidance outlined by the Department of Education. This guidance provides greater detail and as such should be considered in conjunction with this policy. At BASE Academy we acknowledge that dysregulated behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent suspension or permanent exclusion. In this situation, schools will consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.

### **2. Legal Framework**

This policy has due regard to the related statutory legislation, including, but not limited to the following:

- Section 51a Education Act 2002, as amended by section 4 Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education Act 1996
- The Children and Families Act 2014
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (as amended 2014)

---

<sup>1</sup> DfE (2024) *Suspension and Permanent Exclusion from maintained schools, Academies and pupil referral units in England, including pupil movement.*

- The European Convention on Human Rights (ECHR)
- The Equality Act 2010.

This policy has due regard to statutory and non-statutory guidance including, but not limited to, the following:

- DfE Suspension and Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - Guidance for maintained schools, academies and pupil referral units in England - August 2024
- DfE Behaviour in schools: advice for headteachers and school staff - February 2024
- DfE Special educational needs and disability code of practice: 0 to 25 years - January 2015

This policy will be implemented in conjunction with individual academy behaviour policies and procedures as well as other relevant academy policies, including but not limited to anti-bullying, SEND, Pupil Code of Conduct and Child Protection and Safeguarding.

### **3. Suspensions**

3.1. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a calendar year. A suspension does not have to be for a fixed period.

3.2. A suspension is an essential behaviour management tool as set out within the Academy's behaviour policy as a clear indication to the pupil of what is unacceptable behaviour.

3.3. Where suspensions are becoming a regular occurrence for a pupil, Headteachers and schools should consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

### **4. Permanent Exclusion**

4.1. A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently should 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.

4.2 For the purpose of this policy, the terms 'permanent exclusion' and 'exclusion' are interchangeable.

### **5. Factors to Consider in relation to Suspensions and Permanent Exclusions**

5.1. Only the Headteacher or Executive Headteacher has the power to suspend or exclude a pupil from the academy.

5.2. The Headteacher will suspend or exclude a pupil only when it is absolutely necessary.

5.3. In all cases of suspension, the Headteacher will decide which suspension period a pupil will be subject to, depending on what the circumstances warrant.

5.4. All suspensions and exclusions will be formally recorded.

5.5. When considering suspending or excluding a pupil, the Headteacher will consider what additional support may be available, particularly for vulnerable pupil groups, in order to reduce their risk of suspension and/or exclusion.

5.6. Before deciding to suspend or exclude any pupil, the Headteacher will:

- take the pupil's views into account in the light of their age and understanding, unless it would be inappropriate to do so;
- take into account any contributing factors and consider p.16 of the Behaviour in Schools guidance; and

5.7. The Headteacher will not postpone taking a decision to suspend or exclude a pupil due to a police investigation or criminal proceedings that are taking place and will give particular consideration to ensure that any decision made is fair and reasonable where evidence is limited as a result of the investigations. If a Pupil Exclusion Panel is required to consider the Headteacher decision in these circumstances, the meeting will not be postponed and a decision will be made based upon the evidence available.

5.8. At all times the Headteacher will take into account their legal duties under the Equality Act 2010 and the Special Educational Needs and Disability Code of Practice: 0 to 25 Years, ensuring that they do not discriminate on any grounds, e.g. race, sex or disability and will not increase the severity of a pupil's exclusion on these grounds.

5.9. Our schools are aware that off-rolling is unlawful. Ofsted defines off-rolling as: "The practice of removing a student from the school roll, without a formal, permanent exclusion or by encouraging a parent/carer 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 student."

## **6. Duty to Inform Parents/Carers, Governors, the Local Authority and Others**

6.1. Following a Headteacher decision to suspend or exclude a pupil they will immediately inform the parents/carers either in person or by telephone and confirm the length of the suspension and the reasons for it.

6.2. The Headteacher will also confirm the suspension or exclusion in writing without delay, including the following information:

- the reason for the suspension or exclusion.
- the length of any suspension or, for a permanent exclusion, the fact that it is permanent.
- the parents' right to make representations about the suspension or permanent exclusion to the Local Governing Body's (LGB's) Pupil Exclusion Panel and how the pupil can be involved in this.
- how the representations will be made.
- where there is a legal requirement for the Pupil Exclusion Panel to consider the suspension or permanent exclusion, that parents or an excluded pupil (if they are 18 years or older) have a right to attend the meeting, to be represented at that meeting (at their own expense) and to bring a friend.
- parents' (or an excluded pupil if they are 18 years or older) right to make a request to hold the meeting via the use of remote access as well as how and to whom to make this request (see Appendix 3 for principles regarding the use of remote access).
- the arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision or the pupil's return to school.
- relevant sources of free, impartial information.
- indicating that for the first five days of the suspension, or until the start date of any alternative provision, or the end of the suspension (whichever is earlier), parents/carers are legally required to ensure that their child is not present in a public place during school hours without justification and that parents/carers may receive a penalty fine if they fail to do so.

6.3. Written notification of the information above can 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 be given electronically if the parents/carers have provided written consent that correspondence can be sent in electronic form.

6.4. The Headteacher will take steps to ensure that work is set and marked during the first five days of any suspension. This can include use of online pathways.

6.5. The Headteacher will also inform the Local Authority (including the pupil's 'home authority' if the pupil lives outside of the local authority area in which the school is situated) and the Chair of Local Governing Committee immediately of the following:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil).
- Any suspension which results in the pupil being suspended for more than five school days in any one term
- any suspension which would result in the pupil being absent from an examination or national curriculum test.

6.6. The Headteacher must also, without delay after their decision, notify the Social Worker, if a pupil has one, and the VSH (Virtual School head), if the pupil is a LAC, of the period of suspension or permanent exclusion and the reasons for it.

6.7. The Headteacher can cancel any suspension or exclusion providing that the Pupil Exclusion Panel has not yet met to consider whether the pupil should be reinstated. The Headteacher will notify the parents, Local Governing Committee, LA, Social Worker and VSH without delay, providing the reason for the cancellation, and the parents should be offered the opportunity to meet the Headteacher to discuss the circumstances. Any days spent out of school prior to the cancellation will count towards the maximum of 45 school days permitted in any school year and an exclusion cannot be cancelled if the pupil has already been suspended for more than the 45 day limit or if they will have been by the time the cancellation takes effect.

6.10. The Headteacher will report data relating to suspensions and exclusions to the Governing Body and the Trust on a termly basis.

## **7. Arranging Education for Suspended or Excluded Pupils**

7.1. For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place.

## **8. The Pupil Exclusion Panel**

8.1 The panel will be made of local governors and/ or trustees. This is determined on availability of those able to ensure the panel can be conducted within the required time frame. Parents/carers are able to make representations about exclusions to the Pupil Exclusion Panel.

8.2. 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 committee must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

8.3. In the case of suspensions where the pupil's total number of suspended days is more than five but less than 15 school days within a term, if requested by the parents/carers, the Panel will consider exclusions within 50 school days of receiving notification.

8.4. The Panel is required to meet within 15 school days to consider the reinstatement of an excluded/suspended pupil in certain instances, i.e. where:

- a suspension would bring the pupil's total number of excluded school days to more than 15 in any given term.
- the exclusion would result in the pupil missing a public examination or
- national curriculum test.
- the exclusion is permanent.

8.5. Where a Panel is convened, the following parties must be invited to the meeting and allowed to make representations or share information:

- the parents (and where requested, a representative or friend).
- the Headteacher and any relevant2 school staff e.g SENCO, pastoral lead.
- the child's Social Worker if the pupil has one, and
- the VSH if the child is LAC.

8.6. Taking into account the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in the meeting and should be enabled to make a representation on their own behalf if they wish to do so.

8.7. Where the exclusion or suspension would result in a pupil missing a public examination or national curriculum test, the Panel will take reasonable steps to meet before the date of the examination to decide whether the pupil should be reinstated in time to take it. The Panel will also consider whether it would be appropriate to allow the excluded pupil to enter the premises to take a public examination or national curriculum test.

8.8. When considering the reinstatement of an excluded pupil the Panel will:

- only discuss the exclusion with the parties present at the meeting.
- ask for any written evidence in advance of the meeting.
- circulate any written evidence and information to all parties at least five school days in advance of the meeting where practicable.
- allow parents/carers and pupils to be accompanied by a person of their choice at the meeting.
- consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- identify the steps needed to enable and encourage the excluded pupil to attend the meeting to speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- consider the interests and circumstances of the excluded pupil, including the grounds for exclusion.

8.9. When establishing the facts in relation to a suspension or permanent exclusion, 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'.

8.10. In the light of its consideration, the Panel can either:

- decline to reinstate the pupil and uphold the Headteacher's decision; or
- direct reinstatement of the pupil immediately or on a particular date.

8.11. If a reinstatement would make no practical difference because, for example, the pupil has already returned to school following the expiry of a suspension or the parents make clear that they do not want their child reinstated, the Panel must still meet to consider whether the pupil should or would have been allowed back into the academy.

8.12. The Panel will ensure that clear Minutes are taken of the meeting as a record of the evidence that was considered. The Minutes should be made available to all parties on request.

8.13 At the start of the session, the Chair will advise all parties that the panel can/ may be paused in order to support the wellbeing and order of the meeting. Should any party become distressed or in the event of aggression or threat, the chair will pause the meeting.

8.14 The Chair will advise the panel ahead of the meeting and all parties present during the meeting that as per the DfE Exclusion guidance (p 36) parents may request that the local authority and/or the home local authority attend a meeting of the panel as an observer however they are not permitted to make representations at the meeting.

## **9. Meetings of the Panel**

9.1. Minutes will be taken of all Pupil Exclusion Panel meetings. A Bolton Governor Services Clerk to the LGC will usually clerk the Panel meetings, though meetings may be clerked by another member of the Governance Team or a member of the Trust staff, unless this is deemed inappropriate in the particular circumstances.

9.2. The Governance Professional will notify the parent/carer, Headteacher and where relevant the Local Authority, VSH and Social Worker of the Panel's decision, including the reasoning for this, without delay. The written notification can be delivered directly to parents, hand-delivered, posted first class to their last known address or delivered by email where the parents agree.

9.3. In the event of a permanent exclusion where the Panel decides not to reinstate the pupil they will notify the parents/carers of the following:

- that the exclusion is permanent and inform them of their right for it to be reviewed by an independent review Panel. The Trust would adhere to all statutory guidelines when conducting an independent Panel review, as outlined in the DfE's statutory guidance document 'Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England 2024' & 'Behaviour in schools: advice for headteachers and school staff 2024'
- the date by which an application for review must be made.
- the name and address to whom the review application should be submitted.
- that a request to hold the meeting via the use of remote access can be made and how and to whom the request should be made.
- that any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's Special Education Needs and Disabilities are considered relevant to the permanent exclusion.
- that, regardless of whether a pupil has been identified as having SEND, the parents/carers have a right to the attendance of an SEND expert at the review and that no charge will be made for this.
- details of the role of the SEN expert.
- that the parents/carers are required to make it clear if they wish for a SEND expert to attend the review.
- that the parents/carers may appoint someone at their own expense to make representations to the Panel.

9.4. The Panel will inform the parents/carers that in addition to the right to apply for an IRP, if they believe a permanent exclusion or suspension has been issued as a result of discrimination, they may make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND) in the case of Disability discrimination or the County Court in the case of other forms of discrimination. Any such claim should be lodged within six months of when the discrimination allegedly took place (e.g. the day on which the pupil was suspended or excluded). A link to the following guidance should be included in the letter to parents notifying them of a decision to uphold an exclusion:

- Statutory guidance on exclusions School suspensions and permanent exclusions - GOV.UK.
- Guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability).
- details of the local SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions.
- a link to Coram's Child Law Advice service which can be found through their website.
- a link to Independent Provider of Special Education Advice (known as IPSEA) which is a registered charity offering free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- any other links to local services which the Headteacher considers appropriate.

## **10. Permanent Exclusions**

10.1. Inclusion sits at the heart of the BASE philosophy. We support our academies to achieve an inclusive environment and stand alongside them as they tailor learning to meet the needs of individual learners. We find a way to support learners and help them. We take a restorative and developmental approach and commit to every young person in our care.

10.2. Permanent exclusions will always be the last resort

## **11. Equality Impact Statement**

11.1. The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:

- eliminate discrimination and other conduct that is prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it

In the development of this policy due regard has been given to achieving these objectives, further to which we will champion equality in all its forms, in keeping with our values.

## **Appendix 1 – reviewing a decision to permanently exclude**

**A summary of the governing board's duties to consider reinstatement<sup>61</sup>**

Conditions of exclusion

Governing board duties



## **Appendix 2 - Pupil Exclusion Panels Meeting - Terms of Reference & Procedures**

### **1. Purpose**

1.1. To operate within the statutory guidelines issued by the Department for Education (DfE) relating to pupil exclusions and in accordance with the Trust's Exclusions Policy and Academies' Behaviour Policies:

- to consider the actions of the Headteacher in excluding the pupil.
- to consider representations made by the parent/carer.
- to determine whether the Headteacher's decision to exclude the pupil should be upheld, or whether the pupil should be reinstated immediately or by a particular date.

1.2. The Panel will convene within 15 school days to consider:

- all suspensions of pupils who have been suspended for more than 15 school days in the term.
- All suspensions that would result in a pupil missing a public examination or National Curriculum test.
- Permanent exclusions, should these occur.

## **2. Constitution**

2.1. Pupil Exclusion Panel Hearings will be convened as and when required and within the statutory timeframes as above.

2.2. All Pupil Exclusion Panel Hearings will consist of a minimum of three Panel members to be composed of Trustees or Local Governors.

2.3. Staff Governors from the same school as the pupil(s) are not permitted to join the Panel as it is likely they will have prior knowledge of the pupil and/or the incident.

2.4. Staff Governors working at a different school within the Trust to the pupil(s) are permitted to join the Panel providing they have no prior knowledge of the pupil or the incident that could affect their ability to act impartially.

2.5. Parent Governors with a child in the same year group and at the same school as the pupil are not permitted to join the Panel as it is likely they will have prior knowledge of the pupil and/or the incident.

2.6. Parent Governors with a child attending a different school within the Trust to the pupil(s) are permitted to join the Panel providing they have no prior knowledge of the pupil or the incident that could affect their ability to act impartially.

## **3. Format of the Panel Meeting**

3.1. The Chair and other attendees introduce themselves.

3.2. The Chair explains how the meeting will be conducted and the purpose of the meeting:

- to review the exclusion or suspension;
- to consider the views of parents and pupil;
- to check that the Headteacher has had regard to current DfE guidance and whether the decision to exclude or suspend was lawful, rational, reasonable, fair and proportionate.

3.3. The Chair explains possible outcomes of the meeting i.e:

- whether the decision to exclude or suspend the pupil should be upheld;
- whether the pupil should be reinstated immediately or by a particular date.

- 3.4. The Chair invites the Headteacher to present their case in support of the exclusion or suspension. This is followed by questions from the pupil, parents, LA representative (where invited by parents and the Panel consent to their participation), Social Worker, VSH and members of the Panel.
- 3.5. The Chair invites the pupil and parents/carers to present their views on the exclusion or suspension. This is followed by questions from the Headteacher, LA representative, Social Worker, VSH and members of the Panel.
- 3.6. The Chair invites the Headteacher to summarise their case in support of the exclusion or suspension.
- 3.7. The Chair invites the pupil and parents/carers to summarise their views on the exclusion.
- 3.8. The Chair checks that everyone has said what they want to say.
- 3.9. The Chair informs the parents that the decision will be sent to them in writing without delay.
- 3.10. The Headteacher, staff, pupil and parents/carers leave the meeting.
- 3.11. The Panel makes its decision with the Governance Professional in attendance.

#### **4. Reaching a Decision**

- 4.1. The Panel should ask all parties to withdraw before making a decision. The Governance Professional will stay to support the Panel by referencing earlier notes of the meeting and assisting with the decision letter. The Governance Professional will make a note of the Panel's deliberations and reasons for the decision reached.
- 4.2. In order to reach a decision the Panel will check if the Headteacher has had regard to current DfE guidance and whether the Headteacher's decision to exclude was lawful, rational, reasonable, fair and proportionate.
- 4.3. The Chair has the casting vote in all cases where an even number of Panel members are considering the case.
- 4.4. The Pupil Exclusion Panel must consider, on a balance of probability:
- whether the pupil did what he/she is alleged to have done, and which behaviour policies were not followed.
  - whether the correct procedures were followed.
  - the seriousness of the incident and the appropriateness of the length of the sanction.
  - the likelihood of the incident being repeated if the pupil was allowed to return.
  - the fairness of the exclusion in relation to any other pupils involved in the same incident.
  - any relevant previous behaviour concerns.
  - If relevant, the support provided by the school and for how long it was provided.
  - any SEN and/or disabilities the pupil may have.
  - any mitigating circumstances
  - The likely impact upon the welfare of other pupils and staff within the school and likely disruption to education that would occur should the pupil not be excluded/suspended.
- 4.5. After considering exclusions or suspensions, the Panel will either:
- uphold the exclusion
  - direct the reinstatement of the pupil immediately, or on a specified date.

4.6. In the event that the suspension is for a period of five days or less, the Panel is not able to direct reinstatement but may direct that a note of their decision is held on the pupil's educational record.

### **Appendix 3 - Key principles when conducting a meeting via remote access**

1. Only the parents or excluded/suspended pupil (if over 18 years old) may request that the meeting be held via the use of remote access.

2. The Headteacher/Panel should not place undue pressure on the parent or excluded/suspended pupil to request a meeting to be held via the use of remote access, even if doing so means that the meeting can be arranged sooner.

3. The parent or excluded/suspended pupil should be advised to consider the following factors before requesting a remote access meeting:

- the technology that will be used.
- that they have an appropriate space free from other distractions to enable them to participate fully with the meeting.
- where there is limited access to the internet, intermittent service or slower speed service, a remote meeting should not be requested.
- where the parent or pupil decides to withdraw the request for a remote access meeting, they should do so without delay and the Panel meeting will be held face to face at the earliest possible date.

4. The Panel should be satisfied that all participants will be able to fully engage with and understand the remote proceedings before agreeing to a remote hearing and should take the following steps:

- provide clear instructions about how to join the meeting virtually and distribute the joining instructions in a timely manner before the meeting.
- provide a named contact for any questions before the meeting takes place.
- at the start of the meeting the Chair should provide clear guidance on how the meeting will be run, including how participants should indicate they wish to speak, how any chat functions will be used, whether there will be any breaks and how parents can access advocacy services during the meeting.

5. The Panel must consider any written representations made, but solely paper based meetings conducted in writing are not permitted; Governors must meet to consider representations made even when the period of exclusion is less than five days.