



TAPESTRY LEARNING PARTNERSHIP

Suspension and Permanent Exclusion Policy

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1.0 Aims and objectives

The aim of this policy is to underpin the shared commitment of all members of the school/academy community to achieve three important aims:

- To ensure the safety and well-being of all members of the school/academy community
- To maintain an appropriate educational environment in which all can learn and succeed
- To realise the aim of reducing the need to use suspension/permanent exclusion as a sanction.

The Tapestry Learning Partnership (Tapestry) Board of Trustees (the Board) has determined that its schools/academies will use exclusion as a final sanction in ensuring the good order and discipline it believes is essential for effective learning to take place.

The decision to suspend or permanently exclude a child or young person can only be made by the Headteacher/Principal of each school/academy. It is for the Headteacher/Principal, in consultation with the Primary/Secondary Director, to decide whether a child or young person's behaviour warrants suspension or permanent exclusion. This is a serious decision and is taken in consideration of all the facts and in consultation with senior staff as appropriate. Such a decision is taken:

- In response to a serious breach, or persistent breaches, of the school/academy behaviour policy
- where allowing the child or young person to remain in the school/academy would seriously harm the education or welfare of the child or young person or others such as staff or children and young people in the school/academy.

In the event of the absence of the Headteacher/Principal, meaning they are unable to be contacted, the respective Primary/Secondary Director will take on the responsibility of Acting Headteacher/Principal and will make decisions in respect of any suspensions/permanent exclusions.

Suspension and permanent exclusion will be used in response to serious breaches of school/academy policy and discipline. It will normally be used only after other sanctions and sources of support have failed to achieve the desired change in behaviour and attitude.

In considering whether to suspend/permanently exclude a child or young person, Headteachers/Principals should weigh up the seriousness, or persistence of the child or young person's behaviour, together with the impact on the school/academy of not suspending/permanently excluding the child or young person and the integrity of its behaviour policy. Whilst every effort is made to identify children or young people at risk of suspension/permanent exclusion, and to put into place strategies to address problematic behaviour, adopting a blanket approach of never suspending/permanently excluding children or young people is not appropriate.

In applying this policy, each school/academy will follow current DfE guidance and advice. Each school/academy has its own Behaviour Policy which should be read in conjunction with this policy.

If young people are 18 or above, they should be involved in the process, not their parents/carers.

2.0 Informing parents

Whenever a child or young person is suspended/permanently excluded the school/academy will, without delay, notify parents of the period of the suspension or of permanent exclusion and the reasons for it. Parents will be contacted by telephone and may be asked to collect their child or young person from the school/academy whilst an investigation into the incident is held in order that a decision can be made. If a decision to suspend/permanently exclude is made parents/carers will be provided with the following information:

- The reasons for the suspension/permanent exclusion
- The period of suspension
- The parents right to make representations about the suspension/permanent exclusion to the governing body and how the child or young person may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing body to consider the suspension/permanent exclusion, that parents/carers have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.
- The parent/carer's legal duty to ensure that the child or young person is not present in a public place at any time during school/academy hours during the first five school days of an exclusion. Parents/carers who fail to comply with this duty without reasonable justification commit an offence and may be given a fixed penalty notice or prosecuted.
- Relevant sources of free and impartial sources of information which should include as set out in statutory guidance.

3.0 Suspension

The need to suspend will be determined on merit and the circumstances will be carefully investigated and considered. The degree of severity of the offence, the frequency of occurrence and the likelihood of recurrence will be taken into account, as will the child or young person's previous record. The length of the suspension will normally be 1-3 school/academy days. Longer periods may be used for a more serious offence or for a recurrence of misbehaviour following an earlier suspension.

Suspension will always be considered in the case of verbal abuse towards members of staff, persistent disruption of the learning of others and in cases of physical violence towards other children, young people or staff. It will also be considered in the cases of bringing dangerous objects or illegal substances onto the school/academy premises. The behaviour of a child or young person outside the school/academy can be

considered grounds for an exclusion. The most serious breaches of school/academy expectations in these circumstances may lead to permanent exclusion.

Regulations allow the Headteacher/Principal to suspend a child or young person for one or more fixed periods not exceeding 45 school days in any one academic year. The Headteacher/Principal should not normally suspend a child or young person from a public examination but may make arrangements for any such examination to be taken separately from other children and young people.

For a suspension of more than five school days the governing body must arrange suitable fulltime education for any child or young person of compulsory school age. This provision must begin no later than the sixth school day of the exclusion. Where a child or young person receives consecutive suspensions, these are regarded as a cumulative period of absence for the purposes of this duty.

During the period of suspension, the school/academy will take reasonable steps to set and mark work for children and young people. Work that is provided should be accessible and achievable by children and young people outside school.

When the child or young person returns to the school/academy, there will be a reintegration meeting with a nominated member of staff to discuss the reasons for suspension/exclusion and plan for reintegration. Parents/carers will be invited and encouraged to attend this meeting. The nominated person will ensure that notes of the meeting are taken, and a contract drawn up to support the child or young person in improving behaviour.

4.0 Permanent exclusion

Permanent exclusion is seen as a very serious matter and will only be used as a last resort. It is likely to be applied only after all other sanctions, including suspension, have failed to produce the desired response in the child or young person. It may, however, be an appropriate response to a single incident of extreme misconduct, for example, extreme actual or threatened violence towards another child, young person or a member of staff; sexual abuse or assault; supplying an illegal drug; carrying an offensive weapon; persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying).

The Headteacher/Principal will inform the parents/carers of a permanent exclusion by letter and, if possible, by telephone without delay.

The letter will state:

- That the child or young person has been permanently excluded
- The reasons for the permanent exclusion
- Details of previous disciplinary measures leading up to the permanent exclusion, if appropriate
- The governing body is obliged to consider the permanent exclusion, that parents/carers have a right to attend the meeting, be represented at this meeting (at their own expense) and to bring a friend.
- That if they do not attend the hearing it may proceed in their absence.
- That if the governors decline to reinstate the child or young person, the parents/carers may request an Independent Review Panel.

A copy of this letter will be sent to:

- The governors involved in the discipline meeting.
- The Local Authority's Exclusions Team, Children's Services.
- Social worker and/or Virtual School Headteacher

The Clerk to Governors will make arrangements for the Governors' Discipline Committee meeting to take place within 15 school term days of the date of the exclusion. A further letter will be sent to parents/carers giving seven days' notice of the meeting. Normally, three members of the Governing Body will hear the case. No governor who has any prior knowledge of the case will participate in the hearing. The child or young person's social worker and or Virtual School Headteacher will be invited to this meeting.

The governing body has a duty to remove the child or young person's name from the admission register once 15 days have passed since the date of the governor's decision and no application for review has been received or immediately if parents/carers have stated in writing that they will not be applying for independent review panel.

5.0 Governor's responsibility

The Headteacher/Principal must inform governors (via the Clerk) of all exclusions. Within 15 days of receiving notice of a suspension/permanent exclusion, the governing body must consider whether an excluded child or young person should be reinstated in the case of:

- All permanent exclusions
- All fixed term suspensions of children and young people who have been excluded for more than 15 school days in the term.
- All fixed term suspensions that would result in a child or young person missing a national curriculum test.

In deciding whether to reinstate the child or young person, governors must consider not only the representations made but also the interests and circumstances of the suspended/excluded child or young person, including the circumstances in which the child or young person was suspended/excluded. It must also have regard to the interests of other children, young people and adults working at the school/academy.

Governors should not discuss the suspension/exclusion with any party outside the meeting but may request/be presented with written evidence in advance of the meeting.

The procedure followed at the hearing will be as informal as possible. It will follow the format set out below:

- The committee will meet jointly with the Headteacher/Principal, and other Senior Leaders (as appropriate), the parent/carer, the child or young person and any accompanying friend of the parent/carer. The child's or young person's social worker and/or Virtual School Headteacher will also be invited to attend.
- The governors will invite the Headteacher/Principal to give his/her reasons for the decision to exclude the child or young person. The Headteacher/Principal may invite the other senior leaders to speak.

- The parent/carer and governors will be invited to ask questions of the Headteacher/Principal and/or other senior leaders.
- The parent/carer or child or young person (if appropriate) will be given the opportunity to explain why they think the exclusion is inappropriate.
- The child's or young person's social worker and/or Virtual School Headteacher will be invited to make representations.
- The Headteacher/Principal/senior leader and governors will have an opportunity to ask questions of the parent/carer, the child or young person's social worker and/or the Virtual School Headteacher.
- The Headteacher/Principal/senior leader and the parent/carer will be given an opportunity to sum up and to ask further questions of the governors.
- The governors may wish to ask further questions.
- All parties apart from the governors and clerk will then withdraw from the meeting and allow the governors to consider the case on their own. Governors should consider whether the exclusion was lawful, reasonable and procedurally fair.
- Minutes of the meeting must be taken and should be made available to all parties on request.
- When the governing body is considering the reinstatement of a child or young person, the clerk should be present to make a record of the discussion, which should state clearly how decisions have been reached.

The governors can decide to either:

- decline to reinstate the child or young person; or
- direct reinstatement of the child or young person immediately or on a particular date

The decision of the Governors' Discipline Committee will be communicated to the parent/carer by letter within 24 hours of the meeting. If the governors have decided to decline to reinstate the child or young person, the letter will inform parents/carers of their right to apply for an independent review panel.

Application for review must be made within 15 school term days from the date of the written notice from governors and should set out the grounds for the review. Regardless of whether the excluded child or young person has recognised SEN, parents/carers have a right to require the Trust to appoint an SEN expert to attend the review.

The local authority must arrange suitable full-time education for a child or young person who has been permanently excluded to begin no later than the sixth day of the exclusion.

6.0 Independent Review Panel

If parents/carers apply for an independent review panel within the legal time frame (15 school days from notification by governors), the school/academy must arrange one at its own expense in order to review the decision of the governing body not to reinstate. Any application made outside of this legal time frame will not be considered. Parents/carers may request an independent review panel even if they did not attend the Governor Disciplinary meeting.

The panel should have 3 members from:

- 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
- School governors for at least 12 months in the past 5 years, provided they have not been teachers or headteachers during that time
- Headteachers or individuals who have been a Headteacher within the last 5 years

Panel members should not be from the excluding school/academy and should have had required training.

Where an application for an independent review has been made within 15 school days, the school/academy must wait until the review has been determined or abandoned, and until the governing body has completed any reconsideration that the panel has recommended or directed it to carry out, before removing the child or young person's name from the register.

7.0 Remote access to meetings

Parents/carers can request that a governing body meeting, or independent review panel be held remotely. If the parents/carers 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 body and the school/academy 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 participate fully
- The remote meeting can be held fairly and transparently

Social workers and the Virtual School Headteacher 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 cannot be reasonably resolved and:

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

8.0 Cancelling suspensions and permanent exclusions

The Headteacher/Principal may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the governing body. Where there is a cancellation:

- The parents/carers, governing body and local authority will be notified without delay

- Where relevant, any social worker and Virtual School Headteacher will be notified without delay
- The notification must provide the reason for the cancellation
- The governing body's duty to hold a meeting and consider reinstatement ceases
- Parents will be offered the opportunity to meet with the Headteacher/Principal to discuss the cancellation, which will be arranged without delay
- The child or young person 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 permanent exclusion cannot be cancelled if the child or young person 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.

9.0 Alternatives to exclusion

Schools/academies are committed to exploring as many alternatives to exclusion as possible in order to support children and young people:

Internal exclusion - A child or young person may be excluded from lessons (including lunch and break time) but remain on school/academy premises. The local authority does not need to be informed of such internal exclusions, but parents/carers must be.

Managed Moves/Education Off site/Fair Access - As a possible approach to minimise exclusion it is suggested that the Headteacher/Principal may ask another school/academy to agree to admit a child or young person. Such a managed move will only take place with the agreement and support of the parents/carers concerned. Schools/academies are also party to the local authority Fair Access Protocols and will use this protocol, as necessary, for securing alternative educational provision for children or young people at risk of exclusion.

Other alternative strategies – Schools/academies are committed to finding appropriate alternative strategies to support children and young people wherever possible, in order to prevent exclusion. Each school/academy will have a range of alternative strategies that will be tailored to the individual needs of its children and young people.

Special Educational Needs - Each school/academy will take account of its statutory duties in relation to Special Education Needs (SEN) when administering the exclusion process. This includes having regard to the SEN Code of Practice. Permanent exclusion of a child or young person with an Education Health Care Plan will only be considered in extreme circumstances and the local authority may need to review the plan or reassess the child or young person's needs, in consultation with parents/carers, with a view to identifying a new placement.

Looked After Children – School/academies will also endeavour to do everything reasonable to avoid excluding a looked after child or young person. Discussion will be held with the local authority to ensure that there is suitable alternative provision available elsewhere.

10.0 Review, monitoring and evaluation

Senior Leaders, trustees and governors will monitor:

- Number of suspensions/permanent exclusions per term
- Those taken off roll and directed offsite
- Patterns and/or timing of moves
- Effectiveness of behaviour policies
- Repeat suspensions.
- Characteristics of excluded pupils

11.0 Equal opportunities

Under the Equality Act 2010, schools/academies will not discriminate against, harass or victimise children or young people because of their gender, race, disability, religion or belief, sexual orientation, or because of a gender reassignment. For disabled children or young people this includes a duty to make reasonable adjustments to policies and practices.