



SUSPENSION AND PERMANENT POLICY

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1. Aims

Prince Henry's High School (Prince Henry's/the school) is committed to following all statutory suspension and exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our school aims to:

- Ensure that the suspensions and exclusions process is applied fairly and consistently
- Help governors, staff, parents/carers and students understand the suspensions and exclusions 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 permanent exclusions are carried out lawfully

A note on off-rolling

Our school is 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."

We will not suspend or exclude students unlawfully by directing them off site, or not allowing students to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent/carer to encourage them to remove their child from the school

2. Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion guidance](#)

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 (Studentsuspension and exclusions and Reviews) (England) Regulations 2012
- In addition, the policy is based on:
- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental/carer responsibility for excluded students
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

This policy complies with our funding agreement and articles of association.

3. Definitions

Suspension - when a student is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion - when a student is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Off-site direction - when a governing board of a maintained school requires a student to attend another education setting temporarily, to improve their behavior.

Parent/carer - any person who has parental/carer responsibility and any person who has care of the child.

Managed move - when a student is transferred to another school permanently. 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

Deciding whether to suspend or exclude

Only the Headteacher, or Acting Headteacher, can suspend or permanently 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 permanent 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 suspension or exclusion were provoked
- Allow the student to give their version of events
- Consider whether the student has special educational or disability needs (SEND)
- Consider whether the student is especially vulnerable (e.g. the student has a social worker, or is a looked-after child (CLA))
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves

To allow opportunity for the school to complete any ongoing investigation into an incident that may involve a suspension or permanent exclusion, the student may be placed into "Refocus" or provided with an "Alternative Curriculum". This does not constitute a suspension, and the student remains on roll and supervised.

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

In the event of a student (irrespective of whether a student is on the SEND register with identified needs, or not) receiving a suspension longer than 5 school days, or a permanent exclusion, the Headteacher will request statements from the Head of Year in relation to Pastoral Support and the School SENDCO (or the Deputy) confirming whether the child has SEND provision and whether the suspension or exclusion is in line with the school's policy for SEND students.

Students 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.

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

Informing Parents/Carers

If a student is at risk of suspension or exclusion the Headteacher will inform the parents/carers 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/carers will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parent/carer 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 a permanent exclusion, the fact that it is permanent
- Information about parents/carers' right to make representations about the suspension or permanent exclusion to the governing board and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing body to hold a meeting to consider the reinstatement of a student, and that parents/carers (or the student if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

The Headteacher will also notify parents/carers without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of a suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents/carers 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/carers 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 permanent 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 permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents/carers' consent.

Informing the Governing Body

The Headteacher will, without delay, notify the governing board of:

- Any exclusion, including when a suspension is followed by a decision to permanently exclude a student
- Any suspension or permanent exclusion which would result in the student being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the student missing a National Curriculum test or public exam

The Headteacher will notify the governing board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

Informing the local authority (LA)

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

The notification will include:

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

For a permanent 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.

Cancelling suspensions and permanent exclusions

The Headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents/carers, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- Parents/carers will be offered the opportunity to meet with the Headteacher to discuss the cancellation
- As referred to above, the Headteacher will report to the governing board once per term on the number of cancellations
- The student will be allowed back in school

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

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

If the student 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 student, including the use of online pathways.

4.2 The Governing Body

Responsibilities regarding suspensions and exclusions is delegated to the Exclusions, Complaints & Conduct Committee (ECC).

The ECC Committee has a duty to consider parents'/carers' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded student (see sections 5 and 6) in certain circumstances.

Within 14 days of receipt of a request, the Governing Body will provide the secretary of state and the LA with information about any exclusions in the last 12 months.

For a suspension of more than 5 school days, the Governing Body will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the suspension.

The Governing Body does not have to arrange such provision for students in their final year of compulsory education who do not have any further public examinations to sit.

Monitoring and analysing suspension and exclusions data

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

The Governing Body will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where students receive repeat suspensions
- Interventions in place to support students at risk of suspension or permanent exclusion
- Any variations in the rolling average of suspension or permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of moves and suspensions and permanent 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 permanently excluded students, and why this is taking place
- Whether the placements of students directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that students are benefiting from it
- The cost implications of directing students off-site

4.3 The Local Authority (LA)

For permanent 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 CLA 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 Exclusions, Complaints & Conduct Committee will consider and decide on the reinstatement of a suspended or permanently excluded student within 15 school days of receiving the notice of the suspension and exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the student's total number of school days of suspension and exclusion to more than 15 in a term
- It would result in a student missing a public examination 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 ECC Committee must consider any representations made by parents/carers. However, it is not required to arrange a meeting with parents/carers, and it cannot direct the Headteacher to reinstate the student.

Where the student has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents/carers make representations to the Governing Body, the ECC Committee will consider and decide on the reinstatement of a suspended student within 50 school days of receiving notice of the suspension. If the parents/carers do not make representations, the Committee is not required to meet, and it cannot direct the Headteacher to reinstate the student.

Where a suspension or permanent exclusion would result in a student missing a public examination, the ECC Committee 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 ECC Committee may consider whether to reinstate the student.

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

- Parents/carers, or the student if they are 18 or over (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 (Virtual School Headteacher), if the student is looked after

The ECC Committee 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 Exclusions, Complaints & Conduct Committee 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 Committee cannot do this - see earlier in this section)

In reaching a decision, the ECC Committee will consider:

- Whether the decision to suspend or permanently 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 ECC Committee

They will decide whether or not a fact is true 'on the balance of probabilities'.

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 Exclusions, Complaints & Conduct Committee will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents/carers, or the student, if they are 18 or older
- 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 Exclusions, Complaints & Conduct Committee has decided not to reinstate the student, the notification will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents'/carers' 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 Committee's decision is given to parents/carers)
- 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 and/or disability (SEND) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded student has recognised SEND, parents/carers have a right to require the school to appoint an SEND expert to advise the review panel
- Details of the role of the SEND expert and that there would be no cost to parents/carers for this appointment
- That parents/carers must make clear if they wish for an SEND expert to be appointed in any application for a review
- 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
- 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

6 An Independent Review

If parents/carers apply for an independent review, Prince Henry's will arrange for an independent panel to review the decision of the Governing Body not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents/carers by the Exclusions, Complaints & Conduct Committee of its decision to not reinstate the student, 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 permanent exclusion.

A panel of three or five members will be constituted with representatives from each of the categories below. Where a five-member panel is constituted, two members will come from the school governor category and two 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/Director of the academy trust, or Governing Body 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 academy trust, or the Governing Body, 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 academy trust, school, Governing Body, parents/carers 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)

A Clerk will be appointed to the panel.

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

Taking into account the student's age and understanding, the student or their parents/carers 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 SEND expert is present, the panel must seek and have regard to the SEN expert's view of how SEND may be relevant to the student's permanent 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 student's permanent 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 permanent exclusion, or are relevant to the student's permanent exclusion.

Following its review, the independent panel will decide to do one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the ECC Committee'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 permanent 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 ECC Committee at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the ECC Committee 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 ECC Committee 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 ECC Committee 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 student within 10 school days
- Any information that the panel has directed the governing board to place on the student's educational record

7 School Registers

A student's name will be removed from the school admissions register if:

- 15 school days have passed since the parents/carers were notified of the ECC Committee's decision to not reinstate the student and no application has been made for an independent review panel, or

- The parents/carers have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made within 15 school days, the Governing Body will wait until that review has concluded before removing a student's name from the register.

While the student's name remains on the school's admission register, the student's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded students are not attending alternative provision, code E (absent) will be used.

Making a return to LA

Where a student's name is to be removed from the school admissions register because of a permanent 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/carer with whom the student normally resides
- At least one telephone number at which any parent/carer 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. Permanent exclusion)
- Details of the new school the student will attend, including the name of that school and the first date when the student attended or is due to attend there, if the parents have told the school the student is moving to another school
- Details of the student's new address, including the new address, the name of the parent(s)/carer(s) the student is going to live there with, and the date when the student is going to start living there, if the parents/carers have informed the school that the student 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 student's name.

8 Returning from a Suspension

Following a suspension a re-integration meeting will be held involving the student, parents/carers, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a student returns from suspension.

- Agreeing a behaviour contract
- Putting a student 'on report'
- Refocus provision and Alternative Curriculum
- If the re-integration meeting fails, a further suspension may be applied

8.1 Reintegration strategy

Following suspension, the school will put in place a strategy to help the student reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the student has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- Maintaining regular contact during the suspension or off-site direction and welcoming the student back to school
- Daily contact in school with a designated pastoral professional

- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the student and parents/carers to praise progress being made and raise and address any concerns at an early stage
- Informing the student, parents/carers and staff of potential external support

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the student, parents/carers, and other relevant parties.

8.2 Reintegration meetings

The school will explain the reintegration strategy to the student in a reintegration meeting before or on the student's return to school. During the meeting the school will communicate to the student that they are getting a fresh start and that they are a valued member of the school community.

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

The meeting can proceed without the parents/carers in the event that they cannot or do not attend.

The school expects all returning students and their parents/carers to attend their reintegration meeting, but students who do not attend will not be prevented from returning to the classroom.

9 Monitoring Arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of student referral units, off-site directions and managed moves
- Anonymous surveys of staff, students, governors/trustees and other stakeholders on their perceptions and experiences

The data will be analysed every term by the Senior Deputy Headteacher i/c Pastoral & Safeguarding (BJF). They will report back to the Exclusions, Complaints and Conduct Committee.

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

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 students are identified by this analysis, the school will review its policies in order to tackle it.

This policy will be reviewed by the Headteacher annually. At every review, the policy will be shared with the Exclusions, Complaints and Conduct Committee.

10 Links with Other Policies

This Suspension and Permanent Exclusions Policy is linked to our:

- Student Conduct Policy
- SEND Policy and information report

Appendix 1: Independent Review Panel Training

Prince Henry's High School must ensure that all members of an independent review panel and clerks have received training within the two years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions on disciplinary grounds, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

Appendix 2: Governing Body Procedure for Permanent exclusion Hearing

The Governing Body has delegated responsibility for matters relating to permanent exclusions to the Exclusions, Complaints and Conduct Committee. Members of that Committee will form the panel for permanent exclusion hearings.

Chair makes introductions. Confirm order of procedure as set out below.

Headteacher Case

1. The Headteacher presents the case for the permanent exclusion
2. The Parent/Carer/Representative may ask questions
3. The Governing Body (GB) may ask questions

Parental Case

4. The Parent/Carer/Representative presents the case for reinstatement
5. The Headteacher may ask questions
6. The GB may ask questions

Summing Up

7. The Headteacher sums up their case for the permanent exclusion
8. The Parent/Carer/Representative sums up their case for reinstatement
9. The Headteacher & Parent/Carer/Representative leave the room to allow the GB to deliberate
10. The Clerk to the GB will write to all parties with the outcome of the hearing as soon as possible.