



# Haberdashers' West Midlands Academies Trust

## Haberdashers' Abraham Darby

### EXCLUSION POLICY – SUSPENSIONS AND

### PERMANENT

**2025-2026**

<b>Exclusion Policy – Suspensions and Permanent</b>	
<b>Named Responsibility of Policy</b>	Mrs Clemency Price – Senior Vice Principal
<b>Approved by</b>	Mrs Joanne Edgar – Principal
<b>Date of Policy</b>	September 2025
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<b>Governor Accountability</b>	Pupil and Staff Welfare Committee (PSW)

## Contents

1. Aims .....	2
2. Legislation and statutory guidance .....	2
3. The decision to exclude .....	3
4. Definition .....	3
5. Roles and responsibilities .....	3
6. Considering the reinstatement of a pupil .....	4
7. An independent review .....	5
8. School registers .....	6
9. Returning from a fixed-term exclusion .....	6
10. Monitoring arrangements .....	6
11. Links with other policies .....	6
Appendix 1: independent review panel training .....	7

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### 1. Aims

Our school aims to ensure that:

- The exclusions/suspensions process is applied fairly and consistently
- The exclusions/suspensions process is understood by governors, staff, parents and pupils
- In school pupils are happy, safe and respected
- Pupils do not become NEET (not in education, employment or training)

### 2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

This policy complies with our funding agreement and articles of association

### 3. The decision to suspend or permanently exclude

Only the Principal, or Acting Principal, can suspend or permanently exclude a pupil from school. A permanent exclusion will only be taken as a last resort.

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

A decision to permanently exclude a pupil will be taken only:

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

While this list is not exhaustive, pupils may be permanently excluded for the following behaviours:

- use or threat of use of or possession of weapons
- possession of, use of, or dealing in, illegal drugs
- violence, or threats of violence, towards other pupils
- violence, or threats of violence, towards adults
- persistent bullying
- persistent and/or serious disruptive behaviour
- where the school believes that a pupil's presence represents a serious threat to others.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

*"...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent 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 pupil."*

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

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked, but taking into account that provocation does not mean a suspension or exclusion is inappropriate
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN) and if so, whether that had any bearing on the incident(s). It is noted that a pupil having SEN does not mean that they are exempt from suspension or exclusion.

### 4. Definition

For the purposes of suspensions and exclusions, the "school day" is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

### 5. Roles and responsibilities

#### 5.1 The Principal

##### Informing parents

The Principal will immediately provide the following information, in writing, to the parents of a suspended or permanently excluded pupil:

- The reason(s) for the exclusion/suspension
- The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and/or to bring a friend

The Principal will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of a suspension/exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during

school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- 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 required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided 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 an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent. Telford & Wrekin local authority will contact parents/carers directly with details of sixth day provision.

### **Informing the governing board and local authority**

The Principal will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion
- Suspensions which would result in the pupil being away from school for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions which would result in the pupil missing a public examination

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

For all other exclusions, the Principal will notify the governing board and LA once a term.

## **5.2 The governing body**

Responsibilities regarding suspensions and permanent exclusions is delegated to the local governing body (LGB).

The LGB has a duty to consider the reinstatement of an excluded pupil (see section 6).

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

## **5.3 The Local Authority (LA)**

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion. Telford & Wrekin local authority will contact parents/carers directly with details of sixth day provision.

# **6. Considering the reinstatement of a pupil**

The governing body will consider the reinstatement of a suspended/excluded pupil within 15 school days of receiving the notice of the suspension/exclusion if:

- The exclusion is permanent
- It is a fixed-term suspension which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination

If requested to do so by parents, the governing body will convene a meeting to consider the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension if the pupil would be suspended from school for more than 5 school days, but less than 15, in a single term.

Where a suspension or permanent exclusions would result in a pupil missing a public examination, the governing body will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the governing body will consider the suspension/exclusion and decide whether or not to reinstate the pupil.

The governing body can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision the governing body will consider whether the suspension/exclusion was lawful, reasonable and procedurally fair and whether the Principal followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities,' which differs from the criminal standard of 'beyond reasonable doubt,' as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The governing body will notify in writing, the Principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing body's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
  - The date by which an application for an independent review must be made
  - The name and address to whom an application for a review should be submitted
  - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to attend the review
  - Details of the role of the SEN expert and that there would be no cost to parents for this appointment
  - That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
  - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of 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. A 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

## 7. An independent review

The legal timeframe for making an application for an independent review is within 15 school days of being given notice by the PDC of the decision to uphold a permanent exclusion. Independent Review Panels (IRPs) are organised by Telford & Wrekin Democratic and Legal Services. (01952 383205). Parents make their request to Legal and Democratic Services direct. Any application outside this timeframe may be rejected by the Local Authority. If parents have also made a claim of discrimination in relation to the exclusion to a SEND tribunal or the County Courts this should not delay an Independent Review Panel being held. Parents can request an IRP even if they do not attend or make a case at the meeting where the Governing Body considered the exclusion. The IRP should where reasonably possible be held within 15 school days of receiving the parent's application for a review.

Following a review the IRP can decide to:

- Uphold the exclusion decision
- Recommend that the governing body reconsiders their decision, OR
- Quash the decision and direct that the governing body considers the exclusion again.

The IRP's decision is binding on the – pupil, parents, governing body, Principal, LA and Academy Trust. New evidence may be presented to the panel – although the school may not introduce new reasons for the exclusion and the panels must disregard any new reasons that are introduced. The panel must only take account of the evidence that was available to the governing body at the time of making their decision.

The panel must be constituted of either 3 or 5 members representing the categories below. A 5-member panel must be constituted with 2 members from each of the categories of school governor and Headteacher.

- Lay member to chair – who has not worked in a school in a paid capacity, disregarding experience as a school governor or volunteer.

- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided that they have not been teachers or head teachers during this time
- Headteacher or individuals who have been a Headteacher within the last 5 years.

In order to review the governing body's decision, the panel would normally hear from those involved in the incident or incidents that led to the exclusion. The clerk should also ascertain whether an alleged victim, if there is one, is able to present. This can be in person or through a representative or by submitting a written statement. In the cases of witnesses, it is normally more appropriate for the panel to rely on written statements. Where character witnesses are proposed the clerk should seek the agreement of the panel, but this should be allowed unless there is a good reason to refuse. All written statements should be attributed, signed and dated unless the school has good reason to protect the anonymity of the witness. The general principle remains that excluded pupils are entitled to know the substance behind the reason for the exclusion. Parties attending the original hearing have the right to be represented. In addition to witness statements the clerk should request written evidence from the school in order to circulate in advance of the meeting, such as policies and documents of the school which the governing body would have taken into account in making their decision. Where the school's case rests largely on physical evidence, where practical, it should be retained and made available to the panel.

When considering the governing body's decision, the panel will apply the following tests:

- Illegality – did the Principal and / or the governing body act outside the scope of their legal powers in taking the decision to exclude.
- Irrationality - was the decision of the governing body not to reinstate the pupil so unreasonable that it was not one a sensible person could have made?
- Procedural impropriety – was the process and the governing body's decision so unfair or so flawed that justice was not done.

## 8. School registers

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

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

Where an application for an independent review has been made, the governing body will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

## 9. Returning from a suspension

Following a suspension, a re-integration meeting will be held involving the pupil, a member of senior staff and other staff, where appropriate. Parents will also be invited to this meeting.

The following measures may be considered when a pupil returns from suspension:

- Agreeing a behaviour contract
- Putting a pupil on a progress tracker that focusses on behaviour
- Internal suspension

## 10. Monitoring arrangements

The Senior Vice Principal monitors the number of suspensions every term and reports back to the Principal and the HWMAT Pupil and Staff Welfare Committee on a termly basis. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

## 11. Links with other policies

This exclusions policy is linked to our:

- Behaviour policy
- SEND policy and information report