



# **Shenley Primary School Exclusion Policy**

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## Aims

Shenley Primary School aims to ensure that:

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

## Legislation and statutory guidance

DfE (September 2023) states: 'This 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.' Suspension and Permanent Exclusion from Maintained schools, Academies and Pupil Referral Units in England, including pupil movement (Page 11) 'The decision to exclude a pupil must be lawful, reasonable and fair' (Timpson Review 2019).

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#) (August 2024).

The principal legislation to which this guidance relates is:

- Education Act 2002, as amended by the Education Act 2011;
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- Education and Inspections Act 2006;
- Education Act 1996;
- 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 is also based on information from Hertfordshire.gov.uk.

## Links to other school policies and documents

Behaviour Policy

Anti-bullying Policy

SEND Information Report

## Definitions

**Internal suspension:** where a child is removed from their normal lessons for a period of time and works in a space away from their class. Internal suspensions are not subject to the same rules as external exclusions.

**Suspension:** a pupil is not allowed to go to school for a set amount of days - from half a day to a maximum of 45 days in one school year.

**Permanent exclusion:** a pupil is removed from the school roll (the official school register) and are not allowed to return.

**School day:** any day that a maintained school, academy, or ESC is in session and open to pupils in the relevant year group.

## Decision to suspend or permanently exclude

The only reason a child can be excluded is because of their behaviour either in or outside of school. The decision to suspend or permanently exclude a pupil must be:

- lawful (only suspensions or permanent exclusions, properly implemented, are lawful)
- rational
- reasonable
- fair
- proportionate

## Issuing an internal suspension

The Headteacher, Deputy Headteacher, and members of the SLT can take the decision to issue an 'internal suspension' which means removal from class for a period of learning and reflection. An internal suspension is a response to serious challenging, detrimental behaviour which may have become persistent and when a pupil is not responding to de-escalation strategies. Staff should seek to make internal suspensions rare. The behaviour which leads to this response must be logged on the school record system (CPOMS) and parents must be informed of the seriousness of this. In situations where internal suspensions have not resulted in regular valued behaviour being restored, it may be necessary to extend periods of removal to learn in an alternative class while a restorative programme is in place. This may extend to a Behaviour Support Plan.

Hertfordshire County Council guidelines state that schools can use internal suspensions which can be used to defuse situations that occur in schools that require a pupil to be removed from the class but may not require removal from the school premises. The internal suspension could be to a designated area within the school, with appropriate support and supervision, or to another class on a temporary basis and may continue during break periods.

## Issuing a suspension

The school will apply the standard of proof in deciding whether a suspension should be imposed or not, i.e. the balance of probabilities.

See paragraph 8 of the DfE exclusion guidance in which it is stated that "when establishing the facts in relation to an exclusion decision the headteacher 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.'

This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen.

The Headteacher (or Deputy Head if Headteacher is unavailable) may suspend a pupil.

A suspension, where a pupil is temporarily removed from the school, is an essential behaviour management tool that should be set out within a school's behaviour policy. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period. A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion. 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. It is important that during a suspension, pupils still receive their education. Headteachers should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising any online pathways such as Google Classroom or Oak National Academy. The school's legal duties to pupils with disabilities or SEN remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways should always be recorded as a suspension. A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period.

The legal requirements relating to the suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.

The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Upon return to school, a 'reintegration meeting' is arranged for the child and the parent(s) to meet with the Headteacher (and any other members of staff appropriate) to establish expectations for reintegration and a commitment to maintain the school's Behaviour Policy. The reintegration strategy offers the pupil a fresh start; helps them understand the effect of their behaviour on themselves and others; teaches them how to meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning. A 'Behaviour Support Plan', 'Safety and Support Plan' or 'RAMP' may be put in place or reviewed.

### **Issuing a permanent exclusion**

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;
- 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.

Only the Headteacher may exclude a pupil permanently.

The school will apply the standard of proof in deciding whether a permanent exclusion should be imposed or not, i.e. the balance of probabilities.

See paragraph 8 of the DfE exclusion guidance in which it is stated that "when establishing the facts in relation to an exclusion decision the headteacher 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.'

For any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered.

### **Informing parents/carers of the decision to suspend or permanently exclude**

Whenever a headteacher suspends or permanently excludes a pupil they must, without delay, notify parents or the excluded pupil (if they are 18 years or older) of the period of the suspension or permanent exclusion and the reason(s) for it.

They must also, without delay, after their decision, provide parents with the following information in writing:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion 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 to bring a friend

The Headteacher 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 an 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.

### **Informing the Governing Board**

The headteacher must, without delay, notify the governing board of:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
- any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term;
- any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.

When removing a pupil's name from the school admission register, the governing board must ensure this is done under the circumstances prescribed by the School Attendance (Pupil Registration) (England) Regulations 2024.

### **Informing the Local Authority**

The local authority must be informed without delay of all school exclusions regardless of the length of the suspension.

For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the headteacher must also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay.

The headteacher must also inform the governing board once per term of any other suspensions of which they have not previously been notified.

Notifications must include the reason(s) for the suspension or permanent exclusion and the duration of any suspension or, in the case of a permanent exclusion the fact that it is permanent.

The local authority may reasonably wish to request this information in a standardised format.

### **The Governing Board**

Responsibilities regarding exclusions is delegated to the Exclusions Committee consisting of at least 3 governors.

The Exclusions Committee has a duty to consider the reinstatement of an excluded pupil.

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

### **The Local Authority**

For permanent exclusions, the Local Authority is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

## Considering the reinstatement of a pupil

The Exclusion Committee must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher if:

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

The requirements are different for suspensions where a pupil would be excluded for more than five but not more than 15 school days in a term. In this case, if the parents make representations, the Exclusion Committee must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

Where an exclusion would result in a pupil missing a public examination, the Exclusion Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The Exclusion Committee 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 Exclusion Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher 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 Exclusion Committee will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Exclusion Committee 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 SEND are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the LA to appoint an SEND expert to attend the review
  - Details of the role of the SEND expert and that there would be no cost to parents for this appointment
  - That parents must make clear if they wish for an SEND 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.

## Independent review

If your child is permanently excluded from school, you can request an independent review of the decision. Independent review panels consider a school decision to permanently exclude a child. Panels will be completely independent of the exclusion process and the decision taken to permanently exclude your child.

Please see this website for further information: <https://www.hertfordshire.gov.uk/services/schools-and-education/at-school/exclusion-reviews/exclusion-reviews.aspx>

## School register

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 board 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.

## Monitoring

The School's Admin Team monitors the number of suspensions and/or permanent exclusions every term and reports back to the Headteacher.

This policy will be reviewed by the Governors every 2 years. At every review, the policy will be shared with the governing board.

## Prevention measures

In addition to the strategies set out regarding initial intervention (this can be found on page 27 of the Behaviour in Schools guidance), headteachers should also consider the following: a) an off-site direction (temporary measure that maintained schools and academies for similar purposes can use) or b) managed moves (permanent measure) as preventative measures to exclusion.

Any use of alternative provision should be based on an understanding of the support a child or young person needs in order to improve their behaviour, as well as any SEND or health needs.

Off-site direction may only be used as a way to improve future behaviour and not as a sanction or punishment for past misconduct.

Off-site direction should only be used where in school interventions and/or outreach have been unsuccessful or are deemed inappropriate and should only be used to arrange a temporary stay in AP.

The following must have regard to the 'Alternative Provision: Statutory guidance for local authorities, headteachers and governing bodies':

- a local authority arranging suitable education under section 19 of the Education Act 1996;
- the governing body of a maintained school making or reviewing an off-site direction under section 29A of the Education Act 2002;
- the governing body or academy trust of a maintained school, academy school or alternative provision academy arranging suitable education for a suspended pupil under section 100 of the Education and Inspections Act 2006.

The nature of the intervention, its objectives, and the timeline to achieve these objectives should be clearly defined and agreed with the alternative provision upfront. The plan should then be frequently monitored and reviewed. Pupils must continue to receive a broad and balanced education, and this will support reintegration into mainstream schooling.

## **Off-site direction (paragraphs 36 – 47 in DfE’s Suspensions and Permanent Exclusion Guidance)**

Off-site direction is when a governing board of a maintained school requires a pupil to attend another education setting to improve their behaviour. The length of time a pupil spends in another mainstream school or alternative provision will depend on what best supports the pupil’s needs and potential improvement in behaviour.

## **Managed move (paragraphs 48 – 52 in DfE’s Suspensions and Permanent Exclusion Guidance)**

A managed move is the transfer of a pupil who is at high risk of permanent exclusion from one school to another school to give the pupil a fresh start and a new beginning. This may follow an off-site direction where the pupil has settled in well to their new provision. Managed moves should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. However, this does not, of course, remove the right of parents to apply for a place at any school they wish to and for their application to be processed in the normal way. HCC offers a service to schools whereby it will act as an impartial broker, liaising as necessary with all relevant parties. Full details are given in HCC’s Managed Move Protocol which can be found on the Hertfordshire Grid for Learning.

## **Pupils with disabilities and Special Educational Needs (SEN) including those with Education, Health and Care plans (EHC plans)**

The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can, in principle, apply both to the suspensions and permanent exclusions process and to the disciplinary sanctions imposed. Under the Children and Families Act 2014, governing boards of relevant settings must use their ‘best endeavours’ to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN.

Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs.

If there is a concern about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan we, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil’s SEN or disability.

Where a pupil has an EHC plan, we will contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude.

For pupils with SEN but without an EHC plan, we will review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point to request an EHC assessment or a review of the pupil’s current package of support.

## **Pupils who have a social worker, including looked-after children, and previously looked-after children**

For the majority of children who have a social worker, this is due to known safeguarding risks at home or in the community: over half are in need due to abuse or neglect.

For children with a social worker, education is an important protective factor, providing a safe space for children to receive support, be visible to professionals and realise their potential.

When children are not in school, they miss the protection and opportunities it can provide, and become more vulnerable to harm.

Headteachers should balance this important reality with the need to ensure calm and safe environments for all pupils and staff, so should devise strategies that take both of these aspects into account.

Where a pupil has a social worker, e.g. because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the headteacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil’s parents to involve them all as early as possible in relevant conversations.

Where a looked-after child (CLA) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority’s Virtual School Headteacher (VSH) as soon as possible. The VSH, working with the DT and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the child’s behaviour and reduce the need for suspension or permanent exclusion. Where relevant, we will engage with a child’s social worker, foster carers, or children’s home workers.