



## ESNE 09

# Exclusion and Suspension Policy

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## 1. Rationale

This document sets out the policy and practice which inform King Edwin School's use of suspension and permanent exclusion. King Edwin School is an independent school and therefore the Department for Education's statutory guidance 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' does not directly apply to the School. However, the School has regard to the current July 2026 guidance as a source of good practice where appropriate.

The School's exclusion arrangements are primarily governed by its published policies and contractual arrangements with parents/carers, together with applicable law. This includes the Education Act 2002, the Education (Independent School Standards) Regulations 2014 (including the standards relating to behaviour, safeguarding, welfare and the publication of the school's exclusions arrangements), the Equality Act 2010, the Children and Families Act 2014 and the SEND Code of Practice: 0 to 25 years. The School also has regard to Keeping Children Safe in Education 2026 and Working Together to Safeguard Children 2026 where safeguarding considerations arise.

Decisions to suspend or permanently exclude must be lawful, reasonable, proportionate, procedurally fair and consistent with the School's published behaviour and exclusion arrangements. The School will not use informal or unofficial exclusion, off-rolling, or pressure on parents/carers to remove a pupil from the School as a substitute for following its formal procedures. The list of legislation and guidance is not exhaustive. This policy is underpinned by three key factors;

- King Edwin School is committed to ensuring the safety and well-being of all members of the school community.
- King Edwin School aims to provide a caring and nurturing environment in which all can learn and succeed.
- King Edwin School aims to include all children and young people and aims to keep the number of suspensions to a minimum.

## 2. Introduction

King Edwin School's 'Promoting Positive Behaviour Policy' encourages and rewards good behaviour. Poor behaviour is addressed through consequences that are proportionate to the circumstances and the individual pupil's needs. Staff are supported through relevant training and pastoral approaches. The School works in partnership with parents/carers and, where appropriate, placing authorities and other professionals to support pupils.

When considering suspension or permanent exclusion, the School will take account of

the pupil's age, maturity, individual circumstances, SEND, disability, safeguarding needs and any other relevant vulnerability. Reasonable adjustments will be considered where required by the Equality Act 2010. The School will also consider whether behaviour may be connected to an unmet special educational need or disability and whether additional support or reasonable adjustments are required before exclusion is considered, while recognising that a pupil may lawfully be suspended or permanently excluded for their behaviour where the decision is lawful and proportionate.

The School will have regard to current safeguarding requirements, including KCSIE 2026, and will ensure that safeguarding concerns are addressed through the School's safeguarding and child protection procedures. The School will work with relevant professionals and placing authorities where appropriate.

Suspension or permanent exclusion is an extreme sanction. King Edwin School will use its own published behaviour and exclusion procedures and contractual arrangements with parents/carers when making decisions. The current DfE statutory guidance on suspension and permanent exclusion applies directly to maintained schools, academies and pupil referral units, not independent schools; however, King Edwin School has regard to it as good practice where appropriate.

Suspension may only be authorised by the person(s) identified in the School's governance and contractual arrangements as having authority to make that decision. The decision to suspend or permanently exclude will be made on the individual circumstances of each case and in accordance with this policy and the School's Promoting Positive Behaviour Policy.

- In response to a serious breach of the School's Promoting Positive Behaviour Policy.
- If allowing the pupil to remain in School would seriously harm the education or welfare of the student or others in the School.

Suspension or permanent exclusion may be considered following serious or persistent breaches of the School's behaviour policy, or where allowing the pupil to remain in School would seriously harm the education or welfare of the pupil or others. The following are examples of conduct that may warrant suspension or permanent exclusion; this list is not exhaustive and the response will depend on the circumstances of the individual case:

- Actions which put the pupil or others in danger.
- Verbal abuse, harassment or discriminatory abuse towards staff or others, including racist, homophobic, biphobic, transphobic, sexist, religious or disability-related abuse

- Verbal abuse, harassment or discriminatory abuse towards peers, including racist, homophobic, biphobic, transphobic, sexist, religious or disability-related abuse
- Physical abuse to/attack on staff
- Physical abuse to/attack on pupils
- Sexual harassment, sexual violence, sexual abuse or other serious sexual misconduct
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Possession or use of a weapon or other item intended to cause harm
- Arson.
- Serious or persistent unacceptable behaviour where previous sanctions, support and other interventions have not resulted in sufficient improvement.

This list is not exhaustive. The School may consider suspension or permanent exclusion in other circumstances where it is a reasonable, proportionate and lawful response to the pupil's behaviour. Safeguarding concerns will be dealt with in accordance with the School's safeguarding and child protection procedures and will not be treated solely as a disciplinary matter.

### **3. Suspension procedure**

- Suspensions will normally be for the shortest reasonable period consistent with the circumstances. There is no statutory 45-school-day annual limit that applies to independent schools in the same way as it applies to maintained schools, academies and PRUs. King Edwin School will nevertheless keep suspensions proportionate, monitor patterns and avoid repeated or lengthy suspensions where alternative support would be more appropriate.
- The statutory DfE suspension framework, including the 45-school-day limit, does

not directly govern this independent school. The School will instead follow its published policy and contractual arrangements and will ensure that any suspension is lawful, reasonable and proportionate. Where a pupil has an EHC plan or other additional needs, the School will consider the impact of the suspension and liaise with the relevant placing authority and professionals where appropriate.

- Parents/carers will be informed as soon as reasonably practicable when a suspension is imposed and will receive written confirmation of the decision, the reason(s), the period of suspension and any arrangements for return or reintegration. Any rights to make representations, use the School's complaints procedure or challenge a decision will be provided in accordance with the School's published arrangements and contractual terms.
- It is School practice to place the pupil returning from suspension under close monitoring usually for one week to monitor behaviour and work.
- A pupil may be temporarily educated away from their usual classroom or site as part of the School's behaviour arrangements where this is lawful, safe, appropriate and consistent with the pupil's needs. Such arrangements must not be used as an informal or unofficial suspension. If a pupil is required to remain at home or is prevented from attending School because of behaviour, this must be managed as a formal suspension where required by the School's published policy and contractual arrangements.
- Where a pupil is formally suspended from attending School, parents/carers will be informed of the arrangements and any expectations during the suspension. The School will consider safeguarding, welfare, attendance and educational provision, including any additional arrangements required by the pupil's age, SEND, EHC plan or other circumstances.
- Where a pupil is looked after, previously looked after, or otherwise known to children's social care, the School will liaise with the placing authority, social worker, Virtual School Head and other relevant professionals as appropriate. For pupils with an EHC plan, the School will consider whether an early review or other additional support is required where behaviour or exclusion indicates that the current provision may no longer be appropriate.

#### **4. Permanent Exclusion**

Permanent exclusion is a serious decision. For an independent school, the decision and any associated rights of review or appeal are governed by the School's published policy and contractual arrangements with parents/carers. Where the pupil is placed or funded by a local authority, the School will liaise with the relevant placing authority in accordance with the placement arrangements and the pupil's EHC plan, where applicable.

The School will normally consider a range of appropriate behaviour strategies, support and interventions before permanent exclusion. However, permanent exclusion may be considered as the first and only appropriate response in exceptional circumstances, for example where the behaviour is sufficiently serious or where allowing the pupil to remain in School would seriously harm the education or welfare of the pupil or others.

Any decision to permanently exclude will be made by the person with the appropriate authority under the School's governance arrangements and this policy. The decision will be based on the individual circumstances and evidence available and will not be made solely because a pupil has SEND or a disability, or because the School considers that it cannot meet the pupil's needs. Where appropriate, the School will liaise with the placing authority and other professionals.

#### **5. General factors the School considers before deciding to exclude:**

- Before deciding whether to suspend or permanently exclude a pupil, the School will, where practicable and appropriate:
  - ensure that appropriate enquiries and investigations have been undertaken;
  - consider the available evidence and the balance of probabilities;
  - give the pupil an appropriate opportunity to give their account, taking account of age, maturity, communication and SEND needs;
  - consider the pupil's individual circumstances, including SEND, disability, safeguarding concerns and other vulnerabilities;
  - consider whether the behaviour may have been influenced by bullying, harassment, discrimination, exploitation or other safeguarding concerns;
  - consider whether reasonable adjustments or additional support are required;
  - consider the likely impact of the decision on the pupil and others; and
  - consider whether suspension or permanent exclusion is a lawful, reasonable and proportionate response.
- Ensure appropriate investigations have been carried out by the Head of School.
- Consider all the evidence available to support the allegations, the pupil's behaviour and individual needs, and whether there are relevant factors that make suspension or permanent exclusion inappropriate or require additional support or reasonable adjustments.
- The person authorised under the School's governance arrangements may suspend or permanently exclude a pupil on disciplinary grounds. The decision may relate to behaviour inside or outside School where it is connected to the School or affects the School community and is within the scope of the School's published behaviour arrangements. Permanent exclusion will normally be used as a last resort, except where the seriousness of the circumstances justifies it as the appropriate response.

- A decision to suspend a pupil will be made only where the School considers, on the individual circumstances, that suspension is a lawful, reasonable and proportionate response to the behaviour and is consistent with this policy and the School's published behaviour arrangements.
- In accordance with the school's behaviour policy
- To address serious or persistent behaviour that cannot appropriately be managed through other measures
- Where the seriousness of the behaviour means that continued attendance would be inappropriate or would present a significant risk to the education, welfare or safety of the pupil or others
- Where suspensions become frequent or lengthy, the School will review whether the approach is effective and whether additional pastoral, behavioural, SEND or multi-agency support is required. The School will monitor patterns of suspension, including whether particular groups of pupils may be disproportionately affected.
- A decision to permanently exclude a pupil will be made only where the School considers that this is a lawful, reasonable and proportionate response to the individual circumstances.
- In response to serious or persistent breaches of the School's behaviour policy; and
- Where allowing the pupil to remain in School would seriously harm the education or welfare of the pupil or others, having considered relevant safeguarding, SEND, disability and equality factors.
- Allow the pupil the opportunity to give her/his version of events.
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.

Where appropriate, the decision-maker will determine whether, on the balance of probabilities, the pupil engaged in the alleged behaviour, having considered the available evidence and the pupil's account. The School will ensure that decisions are made fairly, without discrimination and in accordance with the School's published procedures and contractual arrangements.

## **6. Exercise of discretion**

In reaching a decision on suspension or permanent exclusion, the Principal or Vice Principal will always look at each case on its own merits. Therefore, a tariff system, fixing

a standard penalty for a particular action, is both unfair and inappropriate.

## **7. Alternatives to Exclusion**

Alternative strategies and support will be considered wherever appropriate. However, the School may use suspension or permanent exclusion where the circumstances justify it. The threat of permanent exclusion will not be used as a behavioural control mechanism, and the School will not pressure parents/carers to remove a pupil from the School as an alternative to following the formal procedure.

## **8. Behaviour Outside School**

Pupils' behaviour outside School, including on school trips and journeys, at sporting fixtures, during work experience or when travelling to or from School where the behaviour is connected to School, may be addressed under the School's behaviour and exclusion arrangements. The School will consider the circumstances and whether there is a sufficient connection to the School for disciplinary action to be appropriate.

## **9. Drug Related Suspensions and Exclusions**

In deciding whether to suspend or permanently exclude for a drug-related incident, the School will have regard to its Substance Misuse Policy, the evidence available, the circumstances of the incident, the pupil's individual needs and any relevant safeguarding concerns. Where appropriate, the School will liaise with parents/carers, placing authorities and relevant support services. A drug-related incident will not automatically result in permanent exclusion; the decision will be based on the individual circumstances and the School's published procedures.

Current legislation and guidance considered in this policy (September 2026)

This policy has been reviewed with reference to:

- Education Act 2002 and applicable provisions relating to independent schools;
- Education (Independent School Standards) Regulations 2014, as amended;
- Equality Act 2010 and the duty to make reasonable adjustments for disabled pupils;
- Children and Families Act 2014 and the SEND Code of Practice: 0 to 25 years;
- Education and Skills Act 2008, where applicable to independent school registration and inspection;
- Keeping Children Safe in Education 2026;
- Working Together to Safeguard Children 2026;
- Department for Education, Behaviour in Schools guidance, where relevant as good practice;
- Department for Education, Suspension and Permanent Exclusion guidance (July 2026), noted as statutory guidance for maintained schools, academies and PRUs and

used by King Edwin School as a source of good practice where appropriate; and

- current Ofsted/DfE expectations for independent schools concerning published behaviour and exclusion arrangements, pupil welfare, safeguarding and avoiding unlawful suspension or off-rolling.

Where legislation or statutory guidance is amended, this policy will be reviewed and updated as necessary.

### Monitoring and Review

The School will monitor suspensions and permanent exclusions to identify patterns, repeated use, disproportionate impact on pupils with SEND or protected characteristics, and any safeguarding concerns. The policy will be reviewed at least annually and sooner where there is a significant change in legislation, statutory guidance, the Independent School Standards or the School's contractual arrangements.

## **10. Other Relevant Policies**

Promoting Positive Behaviour

Rewards and Sanctions Policy

Smoking Policy

Substance Misuse Policy

Learner Voice Policy

Anti Bullying Policy

Restorative Justice Policy