

### Exclusion Policy

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## **1. Aims**

The Staffordshire Schools Multi Academy Trust aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by Directors, LGCs (Local Governing Committees) staff, parents and pupils
- Pupils feel safe, supported and able to achieve

This policy is informed by the Christian values which underpin all of TSSMAT's work, and any actions taken under this policy will reflect these values.

## **2. Legislation and statutory guidance**

This policy is based on statutory guidance:

**Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (September 2022).**

It is based on the following legislation, which outlines 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
- Section 579 of the Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (as amended 2014)

This policy complies with the Trust's funding agreement and Articles of Association.

## **3. The decision to exclude**

Only the Headteacher, or a person acting with the Headteacher's authority, can suspend or permanently exclude a pupil.

A permanent exclusion will only be used as a last resort.

A decision to 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

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

- Consider all relevant facts and evidence, including whether the incident(s) were provoked
- Allow the pupil to give their version of events
- Consider whether the pupil has special educational needs and/or disabilities (SEND)

- Consider the school's duties under the Equality Act 2010

#### **4. Definition**

For the purposes of exclusions, a 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 Headteacher**

###### **Informing parents**

The Headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a suspension, or confirmation of a permanent exclusion
- Information about parents' right to make representations
- Information about meetings and representation rights

Parents will also be informed that:

- For the first 5 school days of an exclusion, they must ensure their child is not in a public place during school hours without good reason
- Failure to comply may result in a fixed penalty notice or prosecution

###### **Alternative provision**

Where alternative provision is arranged, parents will be informed of:

- Start date
- Times of provision
- Address
- Reporting arrangements

This will be provided no later than 48 hours before provision starts (unless earlier provision is agreed).

###### **Informing the Local Governing Committee (LGC), CEO and Local Authority**

The Headteacher will immediately notify the LGC, CEO and local authority of:

- Permanent exclusions
- Suspensions exceeding 5 days (or 10 lunchtimes)
- Cases where a pupil will miss a public examination

Termly reports will be provided for all other exclusions.

##### **5.2 The LGC**

The LGC has a duty to consider reinstatement (see Section 6).

- Must respond within statutory timescales
- Must arrange full-time education from the 6th day (for relevant suspensions)

##### **5.3 The CEO**

Will offer support and guidance and notify Directors.

## 5.4 The Local Authority

The local authority is responsible for arranging full-time education from the 6th day following a permanent exclusion.

## 6. Considering the reinstatement of a pupil

TheLGC will consider reinstatement within:

- **15 school days** for:
  - Permanent exclusions
  - Suspensions totalling more than 15 days
  - Cases involving public examinations
- **50 school days** (if requested) for suspensions between 5–15 days

The Board will consider:

- Whether the exclusion was lawful, reasonable and fair
- Whether procedures were followed correctly

Decisions are made on the **balance of probabilities**.

A written decision will be shared with parents, the Headteacher and the local authority.

## 7. An independent review

Parents may request an independent review within **15 school days**.

An independent panel will:

- Uphold the decision
- Recommend reconsideration
- Quash and direct reconsideration

Panels must be independent and appropriately trained.

## 8. School registers

A pupil's name will be removed from the school roll when:

- 15 school days have passed without a review request, or
- Parents confirm they will not request a review

## 9. Returning from a suspension

Following a suspension, a reintegration meeting will be held with:

- The pupil
- Parents
- Senior staff

Support measures may include:

- Behaviour plans
- Monitoring/reporting systems
- Internal support strategies

## **10. Monitoring arrangements**

The CEO will:

- Monitor exclusions termly
- Report to the Board of Directors
- Liaise with the local authority

Exclusion data will be analysed by pupil group (including SEND, disadvantaged and ethnicity) to identify patterns or disproportionality.

**This policy will be reviewed at least annually and updated as required to reflect changes in legislation and statutory guidance. It will be approved by the Board of Directors.**

## **11. Links with other policies**

This policy links to:

- Relational Behaviour Policy

### **Appendix 1: Independent review panel training**

All panel members and clerks must have received training within the last 2 years.

Training must cover:

- Relevant legislation and statutory guidance
- Procedural fairness and natural justice
- Roles of panel members and clerks
- Equality Act 2010 duties
- Human Rights Act 1998 obligations