



Medina College

Suspension and Permanent Exclusions Policy

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1. Aims

Our school aims to ensure that:

- The Suspensions and Permanent Exclusion process is applied fairly and consistently
- The Suspensions and Permanent Exclusion process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- 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: [School Suspensions and Permanent Exclusion](#)

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

- The Education Act 2002, as amended by the Education Act 2011; the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- the Education and Inspections Act 2006;
- the Education Act 1996; and
- 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.

In addition, the policy is based on:

- Chapter 2 section 103 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- 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](#)

3. Strategies to prevent a suspension in line with statutory guidance, suspensions will only ever be used as a last resort. The school is committed to early identification and proactive support for pupils at risk of suspension. Preventative strategies include:

- **Early intervention and targeted support:** Identifying pupils at risk of suspension as soon as possible and implementing pastoral support, mentoring, counselling, or behaviour interventions to address underlying causes.
- **SEND and reasonable adjustments:** Considering whether behaviour may be linked to unmet special educational needs, disabilities, or mental health needs. The school will make reasonable adjustments and draw on relevant specialist support where required.
- **Safeguarding and welfare:** Considering whether behaviour may be linked to safeguarding concerns and, if appropriate, referring to Early Help, social care, or other multi-agency assessments before exclusion is considered.
- **Consistent behaviour policy:** Ensuring behaviour expectations are clear, consistently applied and communicated to pupils, staff and parents.
- **Alternative approaches:** Considering managed moves, time-limited placements in alternative provision, or off-site directions, where appropriate and in the pupil's best interests.
- **Partnership with families and agencies:** Engaging with parents/carers and, where

relevant, social workers, the Virtual School Head (for looked-after or previously looked-after children), and other external professionals.

- **Staff development:** Training all staff in de-escalation, restorative approaches, positive behaviour management, and recognition of triggers to help maintain a calm, safe, and inclusive environment.

These strategies aim to reduce the need for suspension, ensuring pupils remain supported in education wherever possible.

4. The decision to suspend

Only the Executive Headteacher (or, in their absence, the Heads of School when acting in that role) can suspend a pupil on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently (expelled). A suspension does not have to be for a continuous period. 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 period ends; or a permanent exclusion may be issued to begin immediately after the end of the exclusion.

During the suspension work will be provided to complete at home, at the end of the suspension parents will be invited to attend a reintegration meeting with the pupil where a range of measures will be discussed (see section 9)

A pupil’s behaviour outside of school can be considered grounds for a suspension or permanent exclusion. Any decision of a Headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e., that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school’s wider legal duties); reasonable; fair; and proportionate.

Permanent Exclusion

A permanent exclusion means 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; and
- 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.

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.

Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to exclusion were provoked
- Allow the pupil to give their version of events; this will try to be taken when the pupil is in school, but if it is not appropriate it will done over the phone or at the earliest opportunity.

The pupil's statement will be validated by a signature in person or via email if taken over the phone.

- Consider if the pupil has special educational needs (SEN)

5. Definition

For the purposes of suspensions, 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.

6. Roles and responsibilities

6.1 The Headteacher

Only the Executive Headteacher (or the Heads of School when acting in that role) may issue a suspension or permanent exclusion. In making this decision, the Headteacher will:

- Ensure the decision is lawful, reasonable, fair, and proportionate.
- Consider all relevant facts and evidence, including whether the behaviour was influenced by unmet SEND, safeguarding concerns, or other contextual factors.
- Ensure the pupil has an opportunity to present their version of events.
- Take into account the impact on the education and welfare of the pupil themselves and others in the school community.
- Avoid, as far as possible, permanently excluding pupils with an Education, Health and Care Plan (EHCP) or those in alternative provision.

Informing parents

The Headteacher will notify parents (or the excluded pupil if aged 18+) without delay of the decision to suspend or permanently exclude and provide the required information in writing within 24 hours. Initial contact should be by telephone or in person where possible, followed promptly by a written notice providing the following information, in writing, to the parents of a suspended pupil:

- The reason(s) for the suspension
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension 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

Where applicable, the Headteacher will also notify without delay:

- The local authority.
- The Virtual School Head and the child's social worker, if the pupil is looked-after or previously looked-after.
- Any other professionals involved in the child's care or support.

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 a suspension 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.

For suspensions that total more than 5 school days in a term, the school/LA must ensure suitable full-time education is available from the **sixth school day** of the exclusion. For permanent exclusions the local authority must arrange suitable full-time education from the **sixth school day** after the first day of the exclusion. For looked-after children and pupils with a social worker, the school and LA should work together to arrange alternative provision from **day 1** of the exclusion where appropriate.

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.

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 and local authority

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

- A permanent exclusion, including when a suspension is made permanent
- A suspension which would result in the pupil excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- A suspension 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 Headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.
- For all other suspensions, the Headteacher will notify the Governing Board and LA once a term.

6.2 The Governing Board

The Governing Board has a duty to consider the reinstatement of suspended or excluded pupils in line with statutory guidance. The Board will ensure suspensions and exclusions are reported, monitored, and reviewed regularly to identify any patterns, including for pupils with SEND, pupils from disadvantaged backgrounds, and looked-after children.

Responsibilities regarding suspension are delegated to a panel composed of members of the Governing Board or external governors under the Isle of Wight Collaboration Agreement, herein after called "The panel" consisting of at least 3 governors.

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

Within 14 days of receipt of a request, the governing board will provide the secretary of state

and the LA with information about any suspensions in the last 12 months.

Day 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.

6.3 The 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.

7. Considering the reinstatement of a pupil

The panel will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

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

If requested to do so by parents, the panel will consider the reinstatement of an excluded 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 would result in a pupil missing a public examination, the panel 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 suspension independently and decide whether or not to reinstate the pupil.

The Panel 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 panel will consider whether the suspension 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 panel 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 panel'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

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

7.1 Cancelling an exclusion

The headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled:

- The headteacher must notify the parents
- the governing board,
- the LA and the pupil's social worker and VSH as applicable, without delay
- The notification must also provide the reason for the cancellation;
- The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement;
- Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay;
- The pupil must be allowed back into the school from which they were excluded without delay.
- Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect

8. An independent review

If parents apply for an independent review, the LA will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the panel of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors category and 2 members will come from the Headteacher category.

- 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
- 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 of the LA or governing board 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 LA or the governing board, 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 LA school, governing board, parents or pupil, 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 independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

9. 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 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

When 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.

10. Returning from a suspension

Following a suspension a reintegration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a suspension;

- Daily contact with a designated pastoral professional in-school
- Use of a report card with personalised targets leading to personalised rewards
- Planned pastoral interventions

- Mentoring by a trusted adult
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents and staff of potential external sources of support

11. Monitoring arrangements

The Assistant Headteacher for Behaviour and Culture will monitor the number of suspension every term and report back to the Headteacher/governors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed every year. At every review, the policy will be shared with the governing board.

12. Links with other policies

This exclusion policy is linked to our

- Medina College Behaviour Policy

Appendix 1: Independent review panel training

The LA must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, 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 head teachers, 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.