



THE NEW GUILD TRUST

Suspension and Permanent Exclusion Policy

POLICY

This policy has been adopted on behalf of all academy schools in The New Guild Trust:

**Moorpark Junior School
Jackfield Infant School
Alexandra Junior School
Alexandra Infants' School**

Approval and Review

Committee to Approve Policy	Trust Board
Date of Trustee Board / Academy Committee Approval	December 2026
Chair of Trustee Board / Academy Committee	Mrs L Eagle
Signature	<i>L Eagle</i>
Accounting Officer	Mrs Karen Peters
Signature	<i>K Peters</i>
Policy Review Period	12 months
Date of Policy Review	December 2027

Version Control			
Version	Date Approved	Changes	Reason for Alterations
Initial	July 2020		
	July 2021	No change.	
	Dec 2022	Exclusions Policy renamed and reviewed.	Changes in line with new DfE guidance.
	Dec 2023	No change.	
	Dec 2024	No change.	
	Dec 2025	No change	
	Dec 2026	Updated with recent guidance	New guidance

1. 1. Aims

Our school aims to ensure that:

- the suspension and permanent exclusion process is applied fairly, consistently and lawfully;
- the process is understood by the Trust, governing body, staff, parents/carers and pupils;
- pupils are safe and able to receive a suitable education;
- suspension and permanent exclusion are used appropriately and proportionately;
- pupils at risk of suspension or permanent exclusion receive appropriate support and consideration of their individual circumstances;
- off-rolling and unlawful informal exclusion do not occur; and
- pupils do not become NEET as a consequence of exclusion.

The Trust recognises that off-rolling is unlawful. The school will not remove a pupil from the roll, encourage a parent/carer to remove a pupil, or otherwise prevent attendance where the primary purpose is to benefit the school rather than the pupil.

The school will not use suspension, permanent exclusion, off-site direction or any informal arrangement unlawfully, including:

- sending a pupil home to 'cool off' without recording a lawful suspension;
- preventing attendance because the school considers that it cannot meet the pupil's SEND needs;
- excluding because of poor academic performance;
- making return to school conditional on attendance at a reintegration meeting;
- pressuring a parent/carer to withdraw the pupil;
- using part-time timetables as a behaviour-management sanction; or
- using remote education as a substitute for a lawful disciplinary suspension.

2. 2. Legislation and statutory guidance

This policy is based on the law and statutory guidance applying in England at the date shown above. The principal framework is the Department for Education's 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement', effective from 26 July 2026.

Relevant legislation and regulations include:

- Education Act 2002, including section 51A (exclusion of pupils) and section 29A (educational provision for improving behaviour/off-site direction), as amended;
- Education Act 2011, including amendments to the exclusion framework;
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, as amended, including amendments made by the School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023;
- Education and Inspections Act 2006, including relevant provisions concerning parental responsibility and behaviour;
- Education Act 1996, including section 19 (education for children who cannot otherwise receive suitable education), section 444ZA (attendance requirements where education is provided elsewhere) and section 579 (interpretation including 'school day');
- Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended;
- Education (Educational Provision for Improving Behaviour) Regulations 2010, as amended;
- Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026 (S.I. 2026/558), in force from 26 July 2026;
- Children and Families Act 2014, including the statutory SEND framework;
- Equality Act 2010, including the school's duties in relation to disability and other protected characteristics;
- Human Rights Act 1998, where applicable to decisions and procedures under this policy;
- School Attendance (Pupil Registration) (England) Regulations 2024, including requirements governing admission and attendance registers;

- Children Act 1989, where relevant to safeguarding and children subject to social-work involvement; and
- Children's Wellbeing and Schools Act 2026, including section 55 and related provisions concerning educational provision for improving behaviour.

The policy must also be read with the Trust's articles of association, funding agreement, scheme of delegation, Behaviour Policy, Attendance Policy, SEND Policy, Safeguarding and Child Protection Policy, and relevant DfE statutory guidance. Where a conflict is identified, the Trust will obtain appropriate legal/governance advice and will apply the law and statutory guidance.

3. 3. Definitions

Suspension – A disciplinary exclusion for a fixed period. The former term 'fixed-term exclusion' is not used in this policy.

Permanent exclusion – A disciplinary exclusion that ends the pupil's registration at the school in accordance with the statutory process.

Off-site direction – A temporary requirement for a registered pupil to attend another education setting for educational provision intended to improve the pupil's behaviour. It is not a disciplinary exclusion and must be used in accordance with section 29A of the Education Act 2002 and the applicable 2010/2026 regulations.

Managed move – A permanent transfer to another school undertaken only with the agreement of the relevant parties and in accordance with the pupil-movement framework. It must not be used to avoid the statutory exclusion process.

Parent – Includes a person with parental responsibility and, where relevant, a person who has care of the child, in accordance with applicable legislation.

School day – A day on which the school is open to pupils and pupils are expected to attend; INSET/staff-training days do not count as school days for exclusion purposes.

Alternative provision – Education arranged away from the school, including provision arranged by the appropriate body following suspension or permanent exclusion.

Safeguarding separation – A temporary arrangement to keep a pupil away from other pupils or the school site for safeguarding reasons in circumstances where this is lawful. It is not a disciplinary exclusion and must not be recorded as one unless the statutory exclusion process has been followed.

4. 4. Principles governing decisions to suspend or permanently exclude

Only the Headteacher, or an acting Headteacher, may suspend or permanently exclude a pupil on disciplinary grounds, subject to the statutory framework. A permanent exclusion is a serious decision and should normally be a last resort. A suspension or permanent exclusion will be considered only where the Headteacher has concluded, having considered the evidence and the circumstances, that it is lawful, reasonable and procedurally fair, and that the relevant statutory test is met.

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

- consider the relevant facts and evidence, including whether the incident was provoked or whether there are other relevant circumstances;
- give the pupil an appropriate opportunity to give their account, taking account of age and understanding;
- consider the pupil's SEND, disability and any reasonable adjustments or support that may be required;
- consider whether the pupil is especially vulnerable, including whether they have a social worker or are looked after;
- consider safeguarding information and the pupil's welfare;
- consider whether there are underlying causes or unmet needs that should be addressed;
- consider the effect on other pupils and staff;
- consider whether alternative strategies have been tried or are appropriate, including reasonable adjustments, additional support, off-site direction and/or a managed move where lawful and appropriate; and
- record the reasons for the decision and the evidence relied upon.

The pupil's views will be considered in light of age and understanding. Where the pupil needs support to express their views, appropriate support or advocacy will be facilitated.

5. 5. Off-site direction to improve behaviour

Off-site direction is a temporary educational intervention intended to improve a pupil's future behaviour. It must not be used as a punishment for past behaviour and must not be used as an informal or permanent exclusion.

For an academy, the proprietor/Trust may exercise the statutory power under section 29A of the Education Act 2002 as applied and modified by the 2026 Regulations. Where the Trust has delegated operational authority to a governing body/local community governing body, that body may exercise the function only to the extent permitted by the Trust's scheme of delegation.

Any off-site direction will:

- have a clear behavioural objective;
- be temporary and subject to the statutory limits and review arrangements;
- identify the education to be provided and the expected attendance arrangements;
- take account of the pupil's SEND, disability, safeguarding and welfare needs;
- provide parents/carers with the information required by the applicable regulations;
- be reviewed at the intervals required by law and at other intervals where necessary to safeguard the pupil and assess progress;
- include arrangements for monitoring attendance, behaviour, educational progress and welfare; and
- have a planned reintegration or next-step arrangement.

The school will not use off-site direction to circumvent the suspension/permanent exclusion process. Where the behaviour meets the legal test for suspension or permanent exclusion, the Headteacher will follow the statutory exclusion process.

6. 6. Safeguarding separation and emergency arrangements

Where there is a safeguarding reason to keep a pupil temporarily apart from other pupils or away from the school premises, the school will distinguish that arrangement from disciplinary exclusion.

A safeguarding separation will be used only where lawful and necessary, will be proportionate, will be kept under review, and will be recorded with the reason, duration, education arrangements and safeguarding oversight. The school will consider its duties under safeguarding legislation, the Equality Act 2010, SEND law and the Human Rights Act 1998.

A safeguarding arrangement must not be used to avoid recording a disciplinary suspension. If the reason for the pupil being required to remain away from school is disciplinary, the statutory suspension process must be followed.

7. 7. Informing parents/carers

The Headteacher will notify the parent/carer in writing without delay when a pupil is suspended or permanently excluded. The notice will state the reason(s), the length of a suspension or the fact of permanent exclusion, and the statutory rights to make representations.

The notice will also explain the applicable arrangements for governing-board consideration, including relevant deadlines, the parent's right to make representations, and arrangements for the pupil to be involved where appropriate. The school will provide information about the pupil's education during the exclusion, including alternative provision where applicable. Where the law requires parents/carers to ensure that the child is not present in a public place during school hours during the first five school days, the notice will state that requirement and the possible consequences of non-compliance.

Where applicable, the notice will explain rights and arrangements for remote access to meetings and reviews in accordance with the statutory regulations.

8. 8. Informing the Local Authority, governing body and other professionals

The school will notify the Local Authority of all suspensions and permanent exclusions without delay, regardless of the length of a suspension, in accordance with the statutory framework.

The governing body/appropriate Trust committee will be notified in accordance with the Trust's scheme of delegation and statutory requirements.

The school will notify the pupil's social worker as early as possible where a pupil with a social worker is at risk of suspension or permanent exclusion, and will notify the Virtual School Head (VSH) as early as possible where a looked-after child is at risk.

Where a suspension or permanent exclusion is imposed, the social worker/VSH will be informed without delay where applicable and invited to relevant governing-board consideration meetings.

9. 9. Education during suspension and permanent exclusion

During the first five school days of a suspension, the school will take steps to provide appropriate work for the pupil, which should be accessible and achievable and should be marked where appropriate. Reasonable adjustments will be made for pupils with SEND/disability.

Where a pupil is looked after or has a social worker, the school and Local Authority will work together to arrange appropriate education from the first day where required/possible under the statutory guidance.

For a suspension lasting more than five school days, suitable full-time education will be arranged to begin no later than the sixth school day, in accordance with the statutory framework.

For a permanent exclusion, the Local Authority is responsible for arranging suitable full-time education from no later than the sixth school day, subject to the statutory framework.

Remote education may support provision but must not be used to disguise an unlawful exclusion.

10. 10. Duties of the governing body / Trust

The governing body or Trust committee with delegated authority will exercise exclusion functions only in accordance with the Trust's constitutional arrangements and the statutory regulations.

The governing body must consider parents' representations and must consider reinstatement where required by law.

The governing body will maintain an accurate record of evidence, minutes and decisions, including the reasons for decisions.

The governing body will monitor suspension, permanent exclusion, off-site direction and managed moves, including patterns by protected characteristic, SEND, looked-after status, social-worker involvement, age, sex and other relevant characteristics, so that the Trust can identify potential disproportionality and fulfil its Equality Act duties.

11. 11. Governing-board consideration of reinstatement

The governing body/appropriately delegated committee will consider reinstatement within the statutory time limits where:

- the exclusion is permanent;
- a suspension would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- the exclusion would result in the pupil missing a public examination or national curriculum test, where the statutory provision applies.

Where parents/carers request consideration of a suspension that would result in more than five but not more than 15 school days of exclusion in a term, the governing body will consider the request within the statutory 50-school-day period.

The governing body will consider whether the Headteacher's decision was lawful, reasonable and procedurally fair and whether the Headteacher complied with relevant legal duties. It will consider the balance of probabilities where it is required to determine disputed facts.

Parents/carers, the pupil where appropriate, the Headteacher and relevant social worker/VSH will be given the opportunity to make representations in accordance with the statutory framework.

12. 12. Permanent exclusion and independent review

Where the governing body declines to reinstate a permanently excluded pupil, the written decision will explain the right to apply for an Independent Review Panel (IRP), the statutory deadline, how to apply and the right to request a SEN expert.

The Trust will arrange an independent review in accordance with the statutory regulations. The IRP will be constituted and conducted in accordance with the current statutory requirements, including the independence and eligibility requirements for panel members and clerks.

The panel will consider the interests and circumstances of the pupil, the circumstances of the permanent exclusion and the interests of others at the school. It will have regard to representations from a SEN expert, social worker or VSH where applicable.

The panel may uphold the governing body's decision, recommend reconsideration, or quash the governing body's decision and direct reconsideration where the statutory test for doing so is met.

The school will not introduce new reasons for the permanent exclusion or for the governing body's decision not to reinstate. New evidence may be considered only in accordance with the statutory rules.

Meetings may be held using remote access where permitted by the statutory regulations and the relevant procedural requirements have been met.

13. 13. Equality, SEND and human rights

The school will comply with the Equality Act 2010. A decision to suspend or permanently exclude must not unlawfully discriminate on the basis of a protected characteristic. Particular care will be taken where disability is relevant, including whether reasonable adjustments should have been made and whether the pupil's disability may have contributed to the behaviour.

The school will comply with the Children and Families Act 2014 and the SEND Code of Practice. The existence of SEND, an EHC plan or a disability is not, by itself, a lawful reason for suspension or permanent exclusion.

The school will act consistently with applicable rights under the Human Rights Act 1998, including the requirements of fairness and proportionality that arise in the circumstances.

14. 14. Managed moves and pupil movement

A managed move is not an exclusion and must not be used as a means of avoiding the statutory exclusion process. It should be undertaken only where it is in the pupil's best interests and with the agreement of the relevant parties, including the receiving school's admission authority.

The school will ensure that pupil movement does not result in off-rolling or an unlawful gap in education.

15. 15. School registers and removal from roll

The school will maintain admission and attendance registers in accordance with the School Attendance (Pupil Registration) (England) Regulations 2024 and current DfE attendance guidance.

A permanently excluded pupil's name will be removed from the admission register only when the statutory conditions for removal have been met. The school will make the required return to the Local Authority without delay and provide the information required by law.

Attendance codes will be used in accordance with the current school-census and attendance requirements. The school will not use attendance coding to disguise an unlawful exclusion.

16. 16. Reintegration following suspension

The school will support a pupil's return to school following suspension. A reintegration meeting may be offered and should normally be used to support successful return, but attendance at such a meeting must never be made a condition of the pupil's return.

The school may use proportionate support measures such as increased pastoral support, nurture provision, behaviour support, reasonable adjustments, monitoring/reporting arrangements and other measures identified through assessment. Part-time timetables will not be used as a behaviour sanction. Where a part-time timetable is genuinely necessary for another lawful reason, it will be exceptional, time-limited, reviewed and supported by appropriate arrangements.

17. 17. Monitoring, review and data

The school and Trust will monitor:

- suspensions and permanent exclusions;
- repeat suspensions;
- off-site directions and their review outcomes;
- managed moves and pupil movement;
- attendance and register coding;
- SEND, disability and protected-characteristic patterns;
- exclusions involving looked-after children and pupils with social workers;
- whether education was provided appropriately during exclusion/off-site direction;
- the use and outcomes of behaviour support and early intervention; and
- any indication of off-rolling or informal exclusion.

Data will be reviewed at least termly by senior leaders and reported to the appropriate governing/Trust body. The policy will be reviewed at least annually and sooner where legislation, regulations or DfE statutory guidance changes.

18. Appendix 1 – Current legal and statutory framework (September 2026)

The following is the principal framework relevant to this policy as at 24 September 2026:

- Education Act 1996 – including sections 19, 444ZA and 579 and relevant registration/education provisions.
- Education Act 2002 – including sections 29A and 51A/52 and associated regulation-making powers.
- Education Act 2011 – amendments to the exclusion framework.
- Education and Inspections Act 2006 – relevant parental responsibility and behaviour provisions.
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 (SI 2012/1033), as amended.
- School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023 (SI 2023/571).
- Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the 2014 Regulations.
- Education (Educational Provision for Improving Behaviour) Regulations 2010 (SI 2010/1156), as amended.
- Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026 (SI 2026/558), in force 26 July 2026.
- School Attendance (Pupil Registration) (England) Regulations 2024 (SI 2024/208).
- Children and Families Act 2014 – SEND duties and EHC plan framework.
- Equality Act 2010 – equality and disability discrimination duties.
- Human Rights Act 1998 – applicable Convention rights and procedural safeguards.
- Children Act 1989 – relevant safeguarding/social-care framework.
- Children's Wellbeing and Schools Act 2026 (2026 c.21), including section 55 and related amendments concerning educational provision for improving behaviour.
- DfE: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement – statutory guidance effective 26 July 2026.
- DfE: Working together to improve school attendance – current statutory/guidance framework.
- DfE: Keeping Children Safe in Education – current edition, where relevant to safeguarding decisions.

19. Appendix 2 – Statutory timescale summary

Matter	Requirement
LA notification	Notify the Local Authority of all suspensions and permanent exclusions without delay.
Governing-body notification	Notify in accordance with the statutory regulations and Trust scheme of delegation.
Education after suspension	Suitable full-time education must begin no later than the sixth school day where the statutory duty applies.
Permanent exclusion education	Local Authority to arrange suitable full-time education from no later than the sixth school day.
Governing-board consideration	Within 15 school days for permanent exclusion, more than 15 days in a term, or where a public examination is affected.
Parent-requested consideration	Within 50 school days where the suspension is more than 5 but not more than 15 school days in the term, subject to the statutory conditions.
IRP application	Normally within 15 school days of written notice of the governing body's decision not to reinstate.
First five school days	Parents/carers are subject to the statutory public-place restriction unless an exception applies; school provides appropriate work/education arrangements as required.

20. Appendix 3 – Governance and delegation

Because this is a Trust policy, references in this document to the governing body, local community governing body or committee must be read together with the Trust's current scheme of delegation and articles of association. The Trust

must not delegate a function where legislation requires the proprietor/Trust to exercise it itself. Where a function is lawfully delegated, the delegated body must act within the scope of that delegation.

21. Appendix 4 – Implementation note

This document is a revised policy draft prepared from the school's existing Suspension and Permanent Exclusions Policy and updated against the DfE statutory guidance effective from 26 July 2026 and the legislation identified above. Before formal adoption, the Trust should check the document against its current funding agreement, articles of association, scheme of delegation and any local-authority arrangements. Where the Trust operates both maintained and academy settings, the relevant provisions should be applied according to the legal status of the individual setting.

Source basis: existing school policy supplied for revision; DfE statutory guidance effective 26 July 2026; legislation and statutory instruments in force as at 24 September 2026.

Independent Review Panel Training

The New Guild Trust 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 Headteachers, 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.