# Excalibur Academies Trust

Suspensions & Exclusions Policy

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| Other Policies and Documents Associated |
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| Behaviour Policy |
| Child Protection and Safeguarding Policy |
| SEND Policy |
| Attendance Policy |
| Supporting Pupils with Medical Conditions Policy |
| Equality Information and Objectives |
| Complaints Policy |
| Arranging Alternative Provision: A Guide for Local Authorities and Schools |
| School Admissions Code |
| Keeping Children Safe in Education |

# Contents


1 Introduction ..... 1
2 Application of policy ..... 1
3 Types of exclusion ..... 1
4 Roles and responsibilities ..... 2
5 CCTV, witness evidence and pupil views ..... 3
6 Separation of Pupils for Safeguarding Purposes ..... 4
7 Reintegration strategy meetings following suspension or off-site direction ..... 5
8 Cancelling a suspension or exclusion ..... 6
9 Suspensions before a permanent exclusion ..... 7
10 Directing off-site ..... 7
11 Reviewing off-site direction ..... 8
12 Managed moves ..... 9
13 Remote Meetings ..... 10
14 Off-rolling and unlawful exclusions ..... 10
15 Equality ..... 11

# 1 Introduction

1.1 Easton Royal Academy's Suspension and Exclusion Policy aims to set out the process that will be followed and the additional considerations around suspensions and exclusions that Easton Royal Academy will apply.

1.2 Good behaviour and self-discipline lead to effective learning and help prepare children and young people for life beyond the school gate. Where Easton Royal Academy's approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in a safe, calm, and supportive environment.

1.3 Easton Royal Academy will always have regard to the Statutory Guidance on Suspensions and Exclusions when making decisions on suspensions and exclusions and will follow the law, as set out in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations.

1.4 This policy should be read in conjunction with the Behaviour Policy, Child Protection & Safeguarding Policy and the SEND Policy for Easton Royal Academy.

# 2 Application of policy

2.1 This policy applies to all members of the Easton Royal Academy community. Each school/academy within the Excalibur Academies Trust will apply suspensions and exclusions in accordance with this policy and ensure that its contents are relayed to all staff, parents and pupils.

# 3 Types of exclusion

Suspensions and permanent exclusions are different:

3.1 **Suspensions** (previously called fixed-term exclusions) are where a pupil is prevented from attending the school for a fixed period. At the end of the period, they are expected to return to school following a reintegration meeting. A pupil may receive a maximum of 45 days of suspension in an academic year.

3.1.1 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.

3.1.2 Where a pupil has been suspended, they should return to the academy on the first session after the fixed period of suspension expires.

3.1.3 Pupils whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period; one

lunchtime period is counted as a half school day for calculation purposes.

3.1.4 It is important that during a suspension, pupils still receive their education. Executive Principals should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. The school's legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period.

3.1.5 For a suspension of more than five school days, the academy must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the suspensions.

3.1.6 Informal or unofficial suspensions, such as sending a pupil home to regulate, are unlawful, regardless of whether they occur with the agreement of parents or carers. Any suspension of a pupil, even for short periods of time, must be formally recorded.

3.2 **Permanent exclusions** are where, subject to a decision of the Governor Disciplinary Committee whether to reinstate the pupil to the school, the pupil is prevented from attending the school again. A decision to permanently exclude will 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.

# 4 Roles and responsibilities

All members of the Easton Royal Academy community are expected to follow this policy. Roles, responsibilities and expectations of each section of the Easton Royal Academy community are set out in detail below.

## 4.1 The Executive Principal

4.1.1 All decisions to suspend or permanently exclude a pupil will be taken by the Executive Principal. Every decision made will be proportionate to the seriousness of the behaviour with reference to the Easton Royal Academy's behaviour policy. A decision to permanently exclude a pupil will only be made following consultation with the School Improvement Director and/or Head of SEND.

4.1.2 The Executive Principal will only make lawful permanent exclusions and suspensions; students will not be sent home for part of a school day unless this is by way of a formal suspension or permanent exclusion.

4.1.3 The behaviour of pupils outside school can be considered as grounds for permanent exclusion or suspension.

4.1.4 The Executive Principal will ensure appropriate investigations have been carried out, and that the pupil has been provided the opportunity to make a written statement. If the pupil chooses not to provide a written statement, the evidence included in the Governor Disciplinary Committee pack will confirm that the pupil was given the opportunity and adequate support to make a statement but declined to do so.

4.2 **The Academy Committee**

4.2.1 The Academy Committee is responsible for forming a Governor Disciplinary Committee to review exclusions and suspensions when it is required to do so, or if it is requested by parents. In each case, the decision of the relevant committee formed by the Academy Committee will be to decide whether to uphold the exclusion or suspension, or instead to reinstate the pupil to the school.

4.2.2 When establishing the facts in relation to a permanent exclusion or suspension decision the Governor Disciplinary Committee will 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'

4.3 **Parents**

Parents will be informed without delay of any suspension or exclusion and there is an ability to make representations in regard to any suspension or exclusion decision. Details will be provided on the rights parents have with every letter that is sent from the Executive Principal.

4.4 **Pupils**

All pupils of the schools/academies in the Trust are expected to follow the expectations regarding their behaviour to ensure that all pupils can learn and participate in school life effectively. Where those expectations are breached, the behaviour policy will apply.

# 5 Witness evidence and pupil views

5.1 Where witness evidence is relied upon, whether that be from a pupil or a staff member, the statement(s) will be provided at the Governor Disciplinary Committee review meeting. All statements will be signed and dated. The signature will be redacted at the discretion of the Executive Principal to protect the anonymity of the relevant witness if required. Reasons for redaction may include threats of reprisals.

5.2 Before making a decision to suspend or exclude, and where appropriate, the Executive Principal will strive to consider the pupil's views, taking into account their age, level of understanding and any special educational needs. The pupil will also be informed of how their views have been considered in the decision-making process. Where relevant, the pupil will be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. The Executive Principal will also take account of any contributing factors identified after an incident of misbehaviour has occurred.

# 6 Separation of Pupils for Safeguarding Purposes

6.1 In rare circumstances, Easton Royal Academy may temporarily forbid a pupil from attending the school premises for safeguarding reasons, for example where there has been an allegation of harm by one pupil against another and it is necessary to physically separate pupils. This is not a suspension or permanent exclusion on disciplinary grounds.

6.2 Any decision to temporarily forbid a pupil from attending the school premises for safeguarding reasons will be made on a case-by-case basis. The Designated Safeguarding Lead, or a Deputy Designated Safeguarding Lead, will take a lead role and will use their professional judgement, supported by other agencies such as children's social care and the police where required.

6.3 This protocol will only be used when separating pupils is essential and there isn't a practical way to allow one or more pupils involved to remain on school premises.

6.4 Approval from the Director of Secondary / Primary Improvement will be required via online form. In cases where school improvement directors are unavailable, headteachers will make the decision on the understanding that this protocol is only to be used in rare circumstances and informed by section 6.3.

6.5 Where a pupil is temporarily forbidden from attending school, the school must arrange educational provision for the pupil. The nature of the provision, its objectives and the proposed timeline for achieving those objectives will be clearly defined and agreed before the placement begins. The pupil will continue to receive a broad and balanced education during the placement.

6.6 During a separation of pupils for safeguarding reasons, the pupil will be recorded in the attendance register using the code that reflects the provision that they are accessing.

6.7 The Executive will keep safeguarding separation under review for as long as the requirement remains in effect. Review meetings will be held at intervals considered appropriate, having regard to the pupil's needs, and will be frequent enough to provide assurance that the separation is achieving its objectives. In cases of extended separation, schools will call upon local authorities to perform their statutory duties under section 19 of the Education

Act 1996. The s.19(1) duty states that local authorities are responsible for arranging suitable and (normally) full-time education for children of compulsory school age who, because of exclusion, illness or other reasons, would not receive suitable education without such provision.

6.8 Following each review meeting, the Executive will decide whether the separation should continue and, if so, for what period of time. The decision and reasons will be confirmed in writing to parents/carers no later than six days after the date of the review meeting.

6.9 All reviews will be recorded in writing and will include arrangements for further review, including how often the placement will be reviewed, when the next review will take place and who should be involved.

6.10 Easton Royal Academy will inform the pupil's parents/carers of the reason why the pupil has been temporarily forbidden from attending the premises. The Academy Committee will also be notified without delay.

6.11 In making and reviewing any such decision, Easton Royal Academy will have regard to its duties under safeguarding legislation and guidance, including Keeping Children Safe in Education, and will also consider its duties under the Human Rights Act 1998 and the Equality Act 2010.

6.12 Where a pupil has been temporarily forbidden from attending school premises for safeguarding reasons, Easton Royal Academy will consider appropriate arrangements for the pupil's continuing education and reintegration, working with parents/carers and relevant agencies as appropriate.

# 7 Reintegration strategy meetings following suspension or off-site direction

7.1 Where a pupil is suspended or is directed to be educated off-site, or has been temporarily separated from the school premises for safeguarding purposes, upon return to the school/academy both the pupil and parents will be invited to a reintegration strategy meeting. The purpose of the meeting is to:

7.1.1 offer the pupil a fresh start;

7.1.2 help them understand the impact of their behaviour on themselves and others;

7.1.3 remind them to how meet the high expectations of behaviour in line with the school culture;

7.1.4 foster a renewed sense of belonging within the school community; and

7.1.5 build engagement with learning,

so that further suspensions are not needed. School staff will work with the pupil to understand what led to the behaviour and to establish if any changes can be made or further support implemented from a pastoral or practical perspective that might reduce the chance of repeat behaviours. Previous behaviour is not seen as an obstacle to future success.

7.2 The reintegration meeting will take place, regardless of whether the parent or pupil attends. The outcomes of the meeting will then be shared with the parent and pupil and will be included in any information provided to a Governor Disciplinary Committee.

7.3 There should be no delay in returning to school; Easton Royal Academy will not refuse a student attending while a return to school or re-integration meeting is being arranged.

7.4 Easton Royal Academy uses various measures to support a pupil's successful reintegration including:

7.4.1 maintaining regular calendared, contact with the pupil during the suspension, off-site direction or safeguarding separation, and welcoming the pupil back to school;

7.4.2 daily contact with a designated pastoral professional in-school;

7.4.3 use of a report card with personalised targets leading to personalised rewards;

7.4.4 ensuring the pupil receives academic support upon return to catch up on any lost progress;

7.4.5 planned pastoral interventions;

7.4.6 mentoring by a trusted adult or a local mentoring charity;

7.4.7 regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage; and

7.4.8 informing the pupil, parents and staff of potential external support.

# 8 Cancelling a suspension or exclusion

8.1 A suspension or exclusion can be cancelled by the Executive Principal as long as the suspension or exclusion has not been considered by the Governor Disciplinary Committee. In relation to an exclusion, it cannot be cancelled if the total time the pupil was excluded or suspended that academic year would be over 45 days at the point of the decision to cancel the exclusion.

8.2 Where a suspension or exclusion is cancelled, the relevant parties will be informed by the Executive Principal in accordance with the Statutory Guidance on Suspensions and Exclusions.

8.3 Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 days permitted in any school year.

# 9 Suspensions before a permanent exclusion

9.1 In some circumstances, pupils may receive a suspension prior to a permanent exclusion. For each decision, the Executive Principal will send the relevant letter setting out the rights of parents. A suspension cannot be converted into a permanent exclusion. It may sometimes be appropriate for Executive Principals to issue a further suspension or issue a permanent exclusion (both immediately after the original suspension), though this is limited to exceptional circumstances, usually where new information or evidence has come to light. This is a fresh decision and needs to be treated as such in terms of process, with parents informed without delay and a new suspension or exclusion notice issued.

# 10 Directing off-site

10.1 In accordance with the updated statutory framework, academies within the Trust may direct a pupil off-site to improve behaviour where the legal requirements are met. Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction should be used to arrange time-limited placements at an AP or another mainstream school. Approval from the Director of Secondary / Primary Improvement will be required.

10.2 In the case of directing a pupil off-site to alternative provision, the aim of any direction is for it to be used as a short-term measure as part of the school's behaviour management strategy to improve a pupil's behaviour where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate. While parental consent is not needed, discussions would take place with parents to feed in their views about the options.

10.3 Before making an off-site direction, Easton Royal Academy will ensure that the proposed placement is based on an understanding of the support the pupil needs to improve their behaviour, as well as any SEND or health needs. Off-site direction will only be used to improve future behaviour and will not be used as a sanction or punishment for past misconduct.

10.4 The nature of the intervention, its objectives and the proposed timeline for achieving those objectives will be clearly defined and agreed with the alternative provision or receiving school before the placement begins. The pupil will continue to receive a broad and balanced education during the placement.

10.5 The pupil will be supported to share their views before an off-site direction is made, taking into account their age and understanding. The pupil will also be informed how their views have been taken into account.

10.6 Where an off-site direction is made, Easton Royal Academy will notify parents/carers in writing as soon as practicable after the direction has been made and no later than two school days before the relevant day. Where the pupil has an EHC plan, the local authority will also be notified.

10.7 The written notice will include:

10.7.1 the address where the educational provision will be provided;

10.7.2 the person to whom the pupil should report on first attending the provision;

10.7.3 the number of days for which the requirement is imposed;

10.7.4 the reasons for, and objectives of, imposing the requirement; and

10.7.5 the session times, including morning start time, afternoon end time and break times where two sessions are provided, or the start and end time where a single session is provided.

During an off-site direction to another school, the pupil will be recorded in the attendance register using Code D, where appropriate.

# 11 Reviewing off-site direction

11.1 School and/or trust leaders will keep any off-site direction under review for as long as the requirement remains in effect. Review meetings will be held at intervals considered appropriate, having regard to the pupil's needs, and will be frequent enough to provide assurance that the off-site direction is achieving its objectives.

11.2 Parents/carers, or the pupil if aged 18 or over, and the local authority where the pupil has an EHC plan, may request in writing that the Academy Committee holds a review meeting. The Academy Committee will comply with such a request as soon as reasonably practicable, unless a review meeting has already taken place within the previous 10 weeks.

11.3 No later than six days before the date of any review meeting, Easton Royal Academy will give written notice inviting parents/carers, and the local authority where the pupil has an EHC plan, to attend the review meeting or to submit written views before the date of the meeting. So far as practicable, the review meeting will be arranged for a date and time suitable for the parent/carer or the pupil if aged 18 or over.

11.4 Review meetings should include, where appropriate, the school, parents/carers, the pupil, and relevant agencies such as the pupil's social worker, CAMHS, MASH, Youth Justice Teams, and the local authority where the pupil has an EHC plan.

11.5 Following each review meeting, the Executive will decide whether the off-site direction should continue and, if so, for what period of time. The decision and

reasons will be confirmed in writing to parents/carers no later than six days after the date of the review meeting.

All reviews will be recorded in writing and will include arrangements for further review, including how often the placement will be reviewed, when the next review will take place and who should be involved.

# 12 Managed moves

12.1 A managed move is used to initiate a process which leads to the permanent transfer of a pupil from Easton Royal Academy to another mainstream school. Managed moves are voluntary, must be agreed by all parties involved, including parents/carers and the admission authority of the new school, and should only occur where the move is in the pupil's best interests.

12.2 Managed moves should be offered as part of a planned intervention. Easton Royal Academy will not use the threat of permanent exclusion to pressure parents/carers into agreeing to a managed move. A pupil must not be permanently excluded because a parent/carer, or the pupil where appropriate, refuses to agree to a managed move.

12.3 The law does not allow for a "trial admission" or "trial managed move". Where a temporary placement at another school or alternative provision is needed to improve a pupil's behaviour, this will be arranged through off-site direction and kept under review.

12.4 Once a managed move has been agreed and completed, the pupil will move permanently from the original school to the new school. The pupil's name will be deleted from the original school's admission register and added to the admission register of the new school. The pupil should be registered at one school only.

12.5 Before a managed move takes place, Easton Royal Academy and the new school will share relevant information, including data on prior and current attainment, academic potential, a current risk assessment, and advice on effective ongoing risk management and/or pupil support strategies.

12.6 Prior to any managed move, Easton Royal Academy will be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support or statutory assessments.

12.7 Where a pupil has an EHC plan, Easton Royal Academy will contact the local authority before any managed move is agreed. If the local authority, both schools and parents/carers agree that there should be a managed move, the local authority will need to follow the statutory procedures for amending the EHC plan.

12.8 Any move from one school to another must comply with the statutory School Admissions Code. A managed move will not override the statutory in-year admissions process. Where the receiving school is full or has a waiting list, a pupil will only be admitted through a managed move where admission would

be lawful under the School Admissions Code and the school's published admission arrangements. Managed moves are separate from the Fair Access Protocol.

# 13 Remote Meetings

13.1 Any Governor Disciplinary Committee meeting may be conducted remotely where the parents request for it to be conducted remotely and the meeting can be fairly held remotely, with all participants having access and are able to make representations. A meeting may also take place remotely where there is an extraordinary event or unforeseen circumstance that means it's not reasonably practicable to hold the meeting in person. Such events can include, but are not limited to, floods, fire, and an outbreak of an infectious disease.

13.2 In addition, where a child's social worker or the virtual school head are due to attend a meeting, they may join an in-person meeting remotely as long as it can be fairly accessed, the technology is available, and everyone would be able to make representations.

# 14 Off-rolling and unlawful exclusions

14.1 Easton Royal Academy will not use off-rolling or any unlawful exclusion. Telling or forcing a pupil to leave school, or not allowing a pupil to attend school, is a suspension if temporary or a permanent exclusion if permanent and must only be done in accordance with the statutory process.

14.2 Easton Royal Academy will not:

14.2.1 send a pupil home without a formal suspension, even with parental agreement (except for a safeguarding separation as per section 6);

14.2.2 pressure parents/carers to remove their child from school, including through elective home education or another school place, under the threat of permanent exclusion;

14.2.3 move a pupil to alternative provision where this is not in the pupil's best interests;

14.2.4 place a pupil on a part-time timetable for behavioural reasons; or

14.2.5 remove a pupil from the admission register without correctly following the relevant regulations.

14.3 Any part-time timetable will only be used in accordance with statutory expectations, for the shortest time necessary, with formal review arrangements and a clear plan for the pupil to return to full-time education.

# 15 Equality

15.1 The decision to suspend or exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

15.2 Easton Royal Academy does all it can to ensure that its policies do not discriminate against pupils or others, either directly or indirectly, in line with any Equality Act 2010 protected characteristics. This includes race, religion, disability, sexual orientation, and sex.

15.3 It is unlawful to suspend or exclude a pupil for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a pupil's parents; or the failure of a pupil to meet specific conditions before.

15.4 The academy should ensure that the behaviours exhibited that lead to the sanction are not a key feature of their disability. Any sanction given, including suspension or permanent exclusion, must be a considered and proportionate response and will have due regard to the SEND code of practice.