



## Suspensions and Exclusions Policy

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## INTRODUCTION

Gosforth Group academies are inclusive schools, committed to recognition of the equal value of each student. Suspension (previously referred to as fixed term exclusions) and permanent exclusions are intended to be used only sparingly as part of an overall behaviour strategy which seeks to develop the culture of inclusion, ownership and responsibility for one's own behaviour. The academies seek to avoid permanent exclusions. These will take place only for very serious incidents or when other strategies have been tried and have failed over time.

In discharging their duties, the Principal / Executive Headteachers, Trustees and Governors of Gosforth Group have regard to the most recent statutory guidance on exclusions.

Other relevant legislation and guidelines includes:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline Regulations 2012;
- The Education and Inspections Act 2006;

- The Education (provision of full-time education for excluded pupils) (England) Regulations 2007;
- Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movement September 2022;
- Behaviour in schools: Advice for Headteachers and school staff September 2022.
- Statutory Government guidance on AP.

A **“suspension”** is defined as the temporary removal of a pupil from the school for behaviour management purposes. 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.

An **“exclusion”** is defined as the permanent removal of a pupil from the school, 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 pupils or staff in the school.

## **1 ACTION TO BE INVOKED BY PASTORAL AND SENIOR STAFF IN SERIOUS DISCIPLINARY MATTERS**

- i. Over serious matters a pastoral or senior member of staff may require the student to attend an investigatory meeting. The student will be questioned fairly and be given ample opportunity to give a response. The student will be encouraged to provide a written statement of what happened and offered the opportunity to sign this as an authoritative record of events. If a written statement is not possible, a verbal statement should be taken. At this stage this report will help to enable the school to decide on what further action should be undertaken and the views of the student will be factored in where appropriate.
- ii. A decision to suspend a student will only be taken:
  - in response to serious breach or persistent breaches of the school’s Behaviour and Rewards policy.
  - if allowing the student to remain in the school would seriously harm the learning or welfare of the student, other students or adults in the school; or
  - in cases where there has been a major breach of normal expectations of conduct or a breach of the criminal law.

The decision to exclude a pupil must be lawful, reasonable and fair.

- iii. Before permanently excluding a student, in most cases a range of alternative strategies will have been tried. Reintegration strategies and interventions will be discussed at the reintegration meeting following a suspension

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

## **2 RESPONSIBILITIES OF THE PRINCIPAL / EXECUTIVE HEADTEACHER**

- i. The Principal / Executive Headteacher has the authority to suspend or permanently exclude students.
- ii. In considering suspending or permanently excluding a student the Principal / Executive Headteacher will ensure that:
- a thorough investigation has been undertaken;
  - all the relevant facts and evidence have been considered;
  - all students involved, including those students with learning difficulties, have the opportunity to give their version of events;
  - there has been consultation with other people or relevant agencies involved except where they may be involved in any review of the exclusion that has taken place; and
  - time has been given where necessary to addressing and supporting the student's individual needs/problems within the capabilities of the school.
- iii. Before deciding to exclude a student permanently the Principal / Executive Headteacher will normally first try a range of strategies including suspension. Normally only when other strategies have been tried without success will the Principal / Executive Headteacher consider permanent exclusion.
- iv. There are occasions when the severity of the offence will merit permanent exclusion, even when there has been no record of previous poor behaviour.
- v. The Principal / Executive Headteacher will aim for the shortest appropriate period of suspension but however brief the following will be in place:
- arrangements for the student to continue his or her education, (normally from the first day (LAC) or 6th day at an alternative academy or school); and
  - preparation for the process of reintegration.
- vi. The Principal / Executive Headteacher may suspend a student for up to 45 school days in any academic year. Any suspension beyond 45 school days will be permanent. However before that point is reached the Principal / Executive Headteacher or designated senior member of staff will have held discussions with the relevant LA and parents/carers with a view to arranging an appropriate placement in another school.

- vii. When establishing the facts in relation to an exclusion decision, the Principal / Executive Headteacher must apply the civil standard of proof; i.e. 'on the balance of probabilities'.
- viii. Principal / Executive Headteachers may cancel an exclusion/suspension that has already begun, or one that has not yet begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the school Advisory Board.
- ix. Where a suspension or exclusion is cancelled, the headteacher will notify the pupil's parents, the Advisory Board, the LA, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The notification will also provide the reason for the cancellation. The headteacher will offer the pupil's parents the opportunity to meet with the headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school without delay.
- x. When a suspension or exclusion is cancelled, the governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.
- xi. Any days spent out of school as a result of a suspension or exclusion prior to it being cancelled will count towards the maximum 45 school days that a pupil can be suspended or excluded in an academic year. A permanent exclusion will not be cancelled if the pupil has already been suspended or excluded for more than 45 school days in an academic year or if they will have been so by the time the cancellation takes effect.
- xii. The Principal / Executive Headteacher will also ensure the social worker or VSH is informed if a student is permanently excluded or suspended

### **3 INFORMING PARENTS ABOUT THE EXCLUSION OR SUSPENSION**

- i. The Principal / Executive Headteacher will make sure the parent/carer is notified without delay, ideally by telephone, and that the telephone call is followed by a letter or e-mail.
- ii. Letters / E-mails about suspensions and permanent exclusions will explain:
  - why the Principal / Executive Headteacher decided to suspend or exclude the student;
  - the arrangements for enabling the student to continue his/her education, including setting and marking the student's work; the parents'/carers' right to state their case to the Governance Committee's Discipline Committee; whom the parents/carers should contact if they wish to state their case; the latest date the parents/carers can put a written statement to the Discipline Committee; the parents'/carers' right to see and have a copy of their child's record; if the suspension is for a fixed period, the length of the suspension and the date and time the

student should return to the school; that for the first days of a suspension (or until the start date of any alternative provision where this is earlier) parents/carers are legally required to ensure that their child is not present in a public place during school hours without reasonable justification and that parents/carers may be given a fixed penalty notice or prosecuted if they fail to do so;

- if the exclusion is permanent, the date the permanent exclusion takes effect, and details of any relevant previous warnings, suspensions or other disciplinary measures taken before the present incident; and if the Principal / Executive Headteacher wishes to add an additional suspension or, exceptionally, make a permanent exclusion, following a fixed period suspension if new evidence comes to light, the Principal / Executive Headteacher will again write to the parent explaining the reasons and making the other points above.

#### **4 INFORMING THE DISCIPLINE COMMITTEE**

- i. The Principal / Executive Headteacher will inform the Chair of the Governance Committee of:
  - all permanent exclusions; and
  - all suspensions which result, separately or in total, in the student missing more than five school days in any one term, or which deny a student the chance to take a public examination.

#### **5 RESPONSIBILITIES OF THE GOVERNANCE COMMITTEE**

- i. The Governance Committee does not have the right to suspend or exclude a student. Governance Committee members will review the use of suspension/exclusion in Gosforth Group schools regularly. Each Governance Committee will establish a Discipline Committee when required to review the Principal / Executive Headteacher's decision to exclude/suspend.
- ii. Will have an oversight of suspensions/exclusions, their reasons and the level of pupil moves.

#### **6 THE ROLE OF THE DISCIPLINE COMMITTEE**

- i. The Discipline Committee will consist of three Governance Committee members or Trustees who will review the use of suspension/exclusion within the school, including considering the views of the academy and parents/carers of an excluded/suspended student, and deciding whether or not to uphold permanent exclusions, suspensions of more than five school days in a term or those where a student would miss an opportunity to take a public examination. The Governance Committee members will appoint a clerk to the Discipline Committee to provide

advice on the suspension/exclusion process and to handle the administrative arrangements for considering suspensions/exclusions.

- ii. If the suspension is for five school days or fewer, the Discipline Committee cannot direct reinstatement but will consider any statement from the parent/carer. If the suspension would cause the student to miss sitting a public examination the school will, if possible, make alternative arrangements to allow a suspended student to take public examinations. The Discipline Committee is not required to arrange a meeting with parents/carers for suspensions of five days or fewer.
- iii. For permanent exclusions the Discipline Committee will consider the exclusion and decide whether the student should be reinstated. Such consideration will take account of the student's disciplinary record, the strategies used to retain the student in school and the likely impact of his or her continued attendance at the school, as well as the severity of the offence.
- iv. On receiving notice from the Principal / Executive Headteacher that a student has been suspended for more than five school days, the PA to Principal / Executive Headteacher should:
  - for a suspension of between six school days and 15 school days in a term, or a permanent exclusion, set up a meeting between the 6th and the 50th school day to consider the suspension if requested to do so by parents within 50 school days of receiving notice of the exclusion;
  - for a suspension of over 15 school days in a term, set up a meeting between the 6th and 15th school day after that notice to consider the suspension;
  - invite the parent/carer to the meeting, at a time and place convenient to all parties as far as possible. The parent/carer may be accompanied by a friend or a representative at their request;
  - for permanent exclusions, the Local Authority will also be informed and may send a representative to the meeting.
  - ask for any written statements and other relevant information in advance of the meeting from both the Academy and parents;
  - circulate any written statements and any other information from the academy and parents/carers at least five days before the meeting, ensuring that the identity of students is concealed if thought appropriate, and a list of those who will be present at the hearing to all parties attending; and
  - unless there are strong reasons to refuse, the Chair of the Discipline Committee should allow the excluded student to attend the meeting and present his or her case if the parent and the student ask for this. However, the parent/carer formally remains the appellant unless the student is 18 or over.
  - If the suspended/excluded student is a Looked After Child the VSH will be invited
  - Any social worker involved with the student will also be invited.

- v. If the student is back at school before the Discipline Committee meets, the meeting still enables the parent to give their views. The Discipline Committee can also consider whether more information should be added to the student's record.
- vi. If the student is still suspended/excluded when the meeting takes place, the Discipline Committee should decide whether to direct reinstatement. In reaching their decision the Committee should:
  - i. consider the parent's/carer's statement;
  - ii. have regard to statutory guidance on the appropriate use of suspension/exclusion and the school's Behaviour and Rewards Policy, and consider whether the pastoral team and Pastoral Lead have tried sufficient approaches to improve a student's behaviour before resorting to suspension/exclusion, and whether any further strategies might be an alternative to suspension/exclusion; and
  - iii. for permanent exclusion, the Discipline Committee should normally satisfy itself that all possible strategies to improve a student's behaviour were tried without success, unless the incident was a major breach of normal expectations of conduct or a breach of the criminal law. Strategies could include pastoral support, alternative provision or a managed move.
- vii. When establishing the facts in relation to a suspension/exclusion decision the Discipline Committee must apply the civil standard of proof. In light of their consideration, the Discipline Committee can either:
  - o uphold an suspension/exclusion; or
  - o direct reinstatement of the student immediately or on a particular date.
- viii. Where reinstatement is not practical because, for example, the student has already returned to school following the expiry of a fixed period of suspension/exclusion or the parents/carers make clear they do not want their child reinstated, the Discipline Committee must consider whether the Principal / Executive Headteacher's decision to suspend/exclude was justified based on the evidence.
- ix. The Discipline Committee will ensure clear minutes are taken of the meeting as a record of the evidence considered. These minutes will be made available to all parties on request.
- x. The Discipline Committee will ask all parties, except the clerk, to withdraw before making a decision.
- xi. In reaching a decision the Discipline Committee will consider whether the decision to suspend/exclude was lawful, reasonable and procedurally fair.

- xii. The Discipline Committee will notify parents/carers and the Principal / Executive Headteacher of their decision in writing and without delay, explaining the reasons for their decision in sufficient detail.
- xiii. The Discipline Committee's decision on suspensions is final. In the case of permanent exclusions, parents may have the exclusion reviewed by an independent panel.
- xiv. If the Discipline Committee upholds the Principal / Executive Headteacher's decision to exclude a student **permanently**, it will write without delay to the parent giving the reasons for the decision, explaining the parent's/carer's right to have the exclusion reviewed by an independent panel to which the parents/carers can make oral and written statements, giving the name and address of the person the parents should contact if they wish to have an independent review, explaining that any notice of an independent review should explain the grounds of such a review and stating the latest date for giving notice (15 school days from the date of the Discipline Committee's decision). The parent has the right to have a review by a panel even if they did not make a case to the Discipline Committee. The Discipline Committee will also inform the student's home LA within one school day.
- xv. After the meeting a note of the Discipline Committee's views on the suspension/exclusion will be placed on the student's record with a copy of the Principal / Executive Headteacher's letter.

## **7 INDEPENDENT REVIEWS OF PERMANENT EXCLUSIONS**

- i. Parents/carers whose child is excluded permanently from a Gosforth Group school have the right to have an independent review of the Discipline Committee's decision to uphold the exclusion.
- ii. Any request for a review must be lodged in writing to the Principal / Executive Headteacher within 15 school days from the date the parent receives notice of the decision. The panel should meet as soon as possible but normally within 15 days of the notification of appeal.
- iii. Following its review the panel can decide to:
  - uphold the exclusion decision
  - recommend that the Discipline Committee reconsiders its decision; or
  - quash the decision and direct that the Discipline Committee considers the exclusion again

The Review Panel cannot direct reinstatement of the student.

- iv. The Review Panel will not quash the decision to exclude and direct the Discipline Committee to reconsider purely on minor 'technicalities' relating to prior procedure, where they are persuaded on the merits of the case that the exclusion was justified and would not otherwise direct that the student should be reinstated. The Review Panel may only quash the decision where it considers that it was flawed in the light of the principles applicable on an application for judicial review.

## **8 ARRANGING AN INDEPENDENT REVIEW**

- i. The letter from the Clerk to the Discipline Committee will inform the parents/carers of their right to a review of the decision of the Discipline Committee not to reinstate the permanently excluded student. The letter will give the name and contact details for the PA to the Principal / Executive Headteacher and explain that the parents request for a review must be in writing and set out the grounds for a review. The letter will tell the parents/carers that the final date for requesting a review will be 15 school days from the date the parent receives notice.
- ii. The day on which the parents/carers are given notice will be taken to be the second school day after the date of posting by first class post. No request will be accepted if it is made after the final date for making a request.
- iii. The Independent Review Panel will comprise three independent panel members plus a clerk appointed by Newcastle Local Authority.
- iv. No Governance Committee member, employee of Gosforth Group, Trustee or person who has had any connection with Gosforth Group schools, the Trust or with the excluded student or with the incident leading to the exclusion, shall serve on the Review Panel. The members of the Panel will comply with statutory requirements and the Panel will be convened by Newcastle Local Authority.
- v. The Review Panel will meet within 15 school days of the date the parents make a request for a review. Those entitled to attend and present their case are:
  - the parents/carers, who may be accompanied by a friend;
  - the Principal / Executive Headteacher and other school representatives, who may make oral representations;
  - the chair or a nominated member of the Discipline Committee, who may make oral representations; and
  - a legal or other representative of the Discipline Committee.

- vi. The Principal / Executive Headteacher and Discipline Committee may also make written representations. Wherever possible, the Clerk will make available all written evidence to the panel members and the parent/carer four working days in advance of the hearing. The student, if s/he or his/ her parents/carers so request, will be allowed to attend the hearing and speak on his/her own behalf, unless there is good reason to refuse.

## **9 ROLE OF THE CLERK**

- i. The Review Panel will have a clerk who will serve as an independent source of advice on procedure for all parties to the appeal. He or she will not be the same person who served as a clerk to the prior Discipline Committee hearing.
- ii. When the Review Panel withdraws, or invites the parties to do so, when it wishes to consider its decision, the clerk may remain with the panel, but only for the purpose of offering advice on procedure or law, and recording decisions and reasons.

## **10 PROCEDURE AT THE REVIEW**

- i. The review will not be held at the school which has suspended/excluded the student. The Review Panel will do everything possible to establish an atmosphere of informality where the parties can present their cases effectively.
- ii. Parents, or excluded pupils if they are 18 or older, will be able to request that governing board meetings or independent review panels are held via remote access; however, parents and pupils will be made aware that this is not the default option.
- iii. Where a parent or pupil makes a request correctly in line with instructions set out in the headteacher's or governing board's written notification, the governing board or LA will hold the meeting via the use of remote access.

Remote meetings and panels will be held in accordance with timelines for face-to-face meetings.

Where a request for a meeting to be held via remote access is not made, or the parent or pupil does not state a preference, the meeting or panel will be held in person unless it is not practicable to do so.

If there is a reason related to extraordinary events or unforeseen circumstances, e.g. an outbreak of an infectious illness, which means it is not reasonable for a meeting or panel to be held in person, it may be held via remote access. Meetings will only be held via remote access if the governing board or LA is satisfied that that the meeting can be held fairly and transparently.

If this cannot be done, the governing board or LA will consult with the parent to discuss how a face-to-face meeting can be arranged that will be convenient for them.

If there are technological or internet issues during a remote meeting which compromises the ability for participants to be seen or heard or prevents the meeting from being held fairly and transparently and it is not reasonably practicable to resolve, a face-to-face meeting will be arranged without delay.

When holding meetings or panels via remote access, the governing board or LA will:

- Comply with relevant equalities legislation.
  - Enable access to support which the parent is entitled to, including the presence of a friend.
  - Confirm with all participants that they have access to the technology that will allow them to participate in the meeting or panel.
  - Ensure all the participants will be able to put across their point of view and/or fulfil their function.
  - Ensure the remote meeting or panel can be held fairly and transparently.
- iv. The order of hearing will be notified in advance to the parties. At the start of the hearing the chair or clerk will welcome the parties and introduce those present, pointing out that the panel is independent of Gosforth Group, and its Trustees and that its decision is binding on them. The clerk will explain the order in which the parties entitled to be heard will state their case and that there will be an opportunity for questioning by the other parties afterwards.
- v. The panel members may also ask question of the other parties to the review or of any witnesses who appear, in order to clarify an issue or to elicit more information. The aim will be for panel members to ask their questions at the end of each party's statement and following questions by the other parties.
- v. The clerk may be called on to give legal or procedural advice to the Review Panel during the course of the hearing and when they retire to consider their decision.
- vi. Sufficient time will be allowed for each party to put its case. The panel should ensure that parents are given the opportunity to comment on relevant information obtained from the Discipline Committee. Care must be taken to ensure that no party attending the hearing is present alone with the Review Panel in the absence of the others.
- vii. In exceptional cases the panel may adjourn an appeal to a later date. If there is an adjournment, it is essential that no part of the proceedings take place other than in the presence of all the panel members.

## **11 EVIDENCE AND WITNESSES**

- i. Where the school's case rests largely or solely on physical evidence, and where the facts are in dispute, then the physical evidence, if practicable, should be retained and be available to the panel, if they wish to see it. Where there are difficulties in retaining physical evidence, photographs or signed witness statements are acceptable as evidence.
- ii. The Review Panel cannot compel witnesses to attend and any witnesses must therefore appear before it voluntarily. The Review Panel may wish to call witnesses who saw the incident or behaviour which gave rise to the suspension/exclusion. They may also wish to call a teacher or teachers (other than the Principal / Executive Headteacher) who investigated the incident and interviewed students.
- iii. Where adult witnesses are unwilling to appear in person or are unavailable, the panel must rely on their written statements. In the case of witnesses who are students of the school, it will generally be appropriate for the panel to rely on their written statements. Students may, however appear as witnesses in person if they do so voluntarily and with their parents' consent. In such cases, that student's parents/carers should be invited to the meeting in support of their child. All written witness statements must be attributed and signed, except in cases where the school has good reason to wish to protect the anonymity of students. In such cases the statement will not be attributed and some names may be blanked out. The general principle remains that excluded students are entitled to know the substance behind the reason for their suspension/exclusion. If any witnesses are going to appear in person, all parties need to know the details in advance of the day of the hearing.
- iv. The calling of character witnesses is at the discretion of the panel, but should be allowed unless there is good reason to refuse. It is for the panel to decide whether any witnesses, having given evidence, should remain for the remainder of the presentation of the case.
- v. If any of the parties intend to raise matters or produce documents at the hearing which are not covered by the statement of decision or the notice of appeal, these should be submitted to the clerk to the Review Panel in good time before the hearing. If substantial new issues are raised for the first time at the hearing, an adjournment, maybe necessary to allow all parties to consider the issues.
- vi. Parents/carers may request a SEND expert attends the panel, whether or not the student has SEND.

## **12 RECORD OF THE PROCEEDINGS OF AN INDEPENDENT REVIEW**

- i. The clerk to a Review Panel should keep brief notes of the proceedings, the attendance, the voting and the decision in such forms as the Review Panel deems appropriate.

### **13 AFTER THE HEARING**

- i. The decision of the Review Panel is binding on all parties. The Review Panel will communicate its decision to all parties in writing without delay.

This written notification will include:

- The panel's decision and the reasons for it;
  - Where relevant, details of any financial readjustment/payment to be made to the Local Authority if the Discipline Committee subsequently decides not to offer to reinstate a student when directed to reconsider the exclusion; and
  - Any information that must be recorded on the student's educational record to reflect the decision.
- ii. If the Review Panel upholds the permanent exclusion, the clerk should immediately report this to Newcastle LA. The clerk should also advise the parent/carer to contact their home LA about arrangements for their child's continued education. The Principal / Executive Headteacher should remove the student's name from the roll of the school the day after the conclusion of the exclusion review. Where the Review Panel recommends or directs reconsideration they should immediately inform the Principal / Executive Headteacher of their decision.
  - iii. Details of any suspension/exclusion may not be deleted from the student record, where an suspension/exclusion is a matter of fact. The Discipline Committee must, however comply with any parental/carer request to append a Review Panel Judgement to the student's record.
14. The academy will ensure that there is a written record of the sanctions given under this policy and that patterns of exclusion are investigated regularly, with reports produced for the Trustees.

#### **KEY:**

**SEND – SPECIAL EDUCATIONAL NEEDS AND DISABILITIES**

**VSH – VIRTUAL SCHOOL HEADTEACHER**

**LA – LOCAL AUTHORITY**

**LAC – LOOKED AFTER CHILD**  
**PA – PERSONAL ASSISTANT**