

## POLICY

### Suspension & Permanent Exclusion (England)

### Exclusion (Wales and Scotland)

### Education Universal

|                       |                                                                                     |
|-----------------------|-------------------------------------------------------------------------------------|
| Policy Author         | Laura Dickie, Head of Policy<br>Tonia Lewis, Education and Quality Improvement Lead |
| Approval Date         | Feb 2026                                                                            |
| Policy Approver       | Jo Dunn, Compliance, Regulation and Quality Director                                |
| Next Review Date      | Feb 2029                                                                            |
| Version No.           | 001                                                                                 |
| Policy Level          | Education                                                                           |
| Staff groups affected | All Education                                                                       |

### Monitoring and Review

This policy will be monitored on an ongoing basis through the service's established governance and quality assurance systems. Responsibility for ensuring that the policy remains compliant with legislation and regulatory frameworks sits with the Proprietor Representative and Regional Lead.

A formal review of this policy will be undertaken no later than three years from the date of approval, or sooner if changes in legislation, regulatory guidance, or operational requirements necessitate it.

The Head of Policy will support this process by identifying relevant changes in legislation, regulation, national standards and emerging best practice. The Head of Policy will also incorporate learning from inspections, audits and practice developments into future revisions whilst overseeing all proposed amendments to the universal content to ensure accuracy, consistency and compliance.



Abigail Salisbury-Headteacher

## Terminology

Our aim is to use consistent terminology throughout this policy and all supporting documentation as follows:

| Term                             | Definition                                                                                                                                 |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>‘Establishment’ or ‘Site’</b> | A generic term referring to the school/college owned by CareTech.                                                                          |
| <b>Learner</b>                   | Any child or young person under the age of 18, or young adult over 18 who receives education.                                              |
| <b>Service Head</b>              | The senior person with overall responsibility for the school/college.                                                                      |
| <b>Tutor/Teacher</b>             | Members of staff who have teaching responsibility for learners at the school/college.                                                      |
| <b>Parent/Carer</b>              | Parent or person with parental responsibility.                                                                                             |
| <b>Regulatory Authority</b>      | The independent regulatory body responsible for inspecting and regulating services (e.g., Ofsted, Estyn, Education Scotland).              |
| <b>Social Worker</b>             | The worker allocated to the individual learner; if none is allocated, the Duty Social Worker or Team Manager is responsible.               |
| <b>Placing Authority</b>         | The local authority/agency responsible for placing the learner or commissioning the service.                                               |
| <b>Local Authority</b>           | The local authority for the establishment’s location.                                                                                      |
| <b>Staff</b>                     | All staff working at the location, including employed staff, students on placement, contractors, agency staff, volunteers and proprietors. |

## 1. Local School/College Profile

Devon School is an independent specialist provision for students aged 7 to 18 with Social, Emotional and Mental Health (SEMH) needs. We provide a nurturing and supportive environment where students can access learning that is tailored to their individual needs. Our approach focuses not only on academic progress, but also on helping every student develop confidence, self-esteem, resilience and positive relationships. At Devon School, we believe that every young person deserves the opportunity to succeed and to discover their strengths in a safe and compassionate learning community.

At Devon School, our vision is to collaborate with students and families to create a respectful and compassionate school community. We aim to foster a lifelong love of learning, empowering everyone to become the best versions of themselves.

Our school community is guided by five core values that shape everything we do:

- Respect
- Honesty
- Responsibility
- Resilience
- Kindness

These values help us create a positive environment where students feel safe, valued and supported to grow.

## 2. Purpose

This policy applies to **Devon School**.

It sets out how the site manages **Suspension** and provides a clear organisational framework that:

- Guides all staff
- Supports senior leadership decision-making
- Provides clarity for learners, parents/carers, and external partners
- Ensures consistency across all sites
- Demonstrates compliance with statutory, safeguarding and data protection responsibilities

This policy helps **Devon School** meet its legal duties, uphold safeguarding responsibilities, and maintain a safe and purposeful environment for learning.

## 3. Scope

This is an organisational policy that applies across all sites, services and education functions.

It establishes the universal standards that every site must follow.

Each site implements the policy in line with the correct national legislative framework and regulatory requirements, as summarised in **Appendices A–C**.

#### 4. Local Adaptation Requirement

Sections marked **[Adapt Locally]** must be completed by each site to reflect local procedures or national equivalents, including (but not limited to):

- Safeguarding frameworks
- Inspection expectations
- Curriculum/quality frameworks
- Local authority reporting routes
- Data protection contacts
- Local governance arrangements

All local content must be:

- Accurate
- Up to date
- Fully aligned with the universal standards in this policy
- Consistent with the statutory expectations of the nation in which the site operates

Where no local equivalent exists, the universal content applies in full.

#### 5. Legal and Regulatory Context

Every site operates under the statutory requirements, safeguarding duties and inspection arrangements of its home nation. Universal standards are applied consistently, while national variations are addressed in **Appendices A–C**.

**Terminology:**

- **England:** *Suspension* (temporary), *Permanent Exclusion* (permanent)

#### 6. Reasons for Suspension

Suspension is a **last resort** and may only be considered when:

- There is significant damage to property
- Behaviour requires significant intervention and supportive strategies have been exhausted
- There is a serious breach of site behaviour policies
- Allowing the learner to remain on site would seriously harm the education or welfare of the learner or others
- Decisions must be proportionate and evidenced with clear rationale

#### 7. Procedures for Suspending a Learner

The **Headteacher** must:



- Carry out a full, fair investigation and ensure the learner has the opportunity to give their account
- Consider reasonable adjustments for learners with SEND
- Consider care-experienced status and safeguarding implications
- Consult relevant staff (but not anyone involved in the review/appeal process)
- Ensure compliance with the Equality Act 2010 and national safeguarding frameworks
- Assess whether the incident was provoked or influenced by contextual factors
- Reach a decision on the balance of probabilities

## 8. Notification and Appeals Process

### Immediate Notification

The site must:

- Contact parents/carers (or the learner if over 18) without delay by telephone
- Follow this with written confirmation within one school day

The written notification must include:

- Dates and duration of the suspension
- Reason(s)
- Rights to make representations and appeal
- Key contact details (Headteacher or Regional Lead)
- Return arrangements and work/learning provision

### Appeal Rights and Timescales

- Parents/carers have one week from the date of the letter to submit an appeal in writing
- Appeals will be heard by the Proprietor Representatives, normally within three weeks
- Parents/carers may bring a representative
- All papers relied upon by the school must be shared in advance

### Access to Records

Parents/carers may request the learner's record. The site must comply within 15 school days — but in suspension cases, sites should respond promptly.

### Confidentiality

Suspension cases are confidential and shared only with those who need to know in order to safeguard learners, ensure fairness or meet statutory duties.

## 9. When Suspension Is Not Appropriate

Suspension must **never** be used for:

- Minor issues such as incomplete homework
- Poor academic performance
- Lateness or truancy
- Pregnancy

- Situations where the learner is being punished for parental actions

## 10. Responsibilities Following a Decision

The **Headteacher** must:

- Notify the learner (and parents/carers, where appropriate)
- Inform relevant professionals (Registered Manager, Social Worker, Virtual School Head, Welfare Lead, Head of Education)
- Ensure SLT communicates key details (type, duration, return arrangements, rights of appeal)
- Send formal written confirmation
- Notify the Local Authority (where required) and complete LA-specific documentation
- Report permanent affecting public examinations to the LA **within one working day**
- For care-experienced learners, notify the placing authority's social services **immediately**

## 11. Types of Suspension and Exclusion

### Permanent Exclusion

Used only for the most serious breaches and when allowing the learner to remain on site would seriously harm the education or welfare of others.

### Suspension

- Must not exceed **45 school days** in a single academic year
- Should be as short as possible (typically **1–3 days**)
- **Indefinite suspensions are unlawful**

### Substance or Alcohol-Related Incidents

- Decisions must be consistent with the site's Alcohol and Substance Misuse Policy
- Specialist advice must be sought
- Permanent exclusion considered only in the most serious cases

## 12. Alternatives to Suspension

Before considering suspension, sites must explore appropriate alternatives, including:

- Pastoral Support Plans
- Restorative approaches
- Outreach or alternative provision
- Early Help/Early Intervention

## 13. Decision-Making Authority

Only the **Headteacher** or the most senior leader acting in their absence, may authorise exclusion.

This decision is made in consultation with the Regional Lead and cannot be routinely delegated.

## 14. Education During Suspension

Learning must continue. Sites will:

- Provide physical or digital work
- Share resources via agreed platforms (e.g., Seesaw, secure portals, school websites)
- Expect completed work to be returned for assessment

*Refer to the Remote Learning Policy for the full pathway.*

## Equality Impact Statement

This policy has been developed to promote equality, safeguard individual's rights, and ensure fair and inclusive practice across all services. The potential impact of the policy on children, young people, young adults, families, and staff with protected characteristics has been considered in line with the Equality Act 2010.

No negative impacts have been identified. Staff must apply this policy with sensitivity to individual need and make reasonable adjustments to ensure equitable access, safety, wellbeing, and participation for every individual. Any emerging risks of differential impact should be reported and addressed through ongoing review and quality assurance.

## Appendices

Appendix A – Legal and Regulatory Framework in England

Appendix B – Legal and Regulatory Framework in Wales

Appendix C – Legal and Regulatory Framework in Scotland

## Appendix A

Legislation, guidance and regulatory framework underpinning Suspension and Permanent Exclusion in England.

### Suspension and Permanent Exclusion: Statutory Guidance (DfE)

- **Means:** Statutory guidance on **suspension (temporary)** and **permanent exclusion** for schools/PRUs, setting definitions, thresholds, notifications, governing board/IRP processes and timescales.
- **Requires:** Headteacher/Principal uses lawful, proportionate processes; issues letters “without delay”; senior leaders meet national deadlines; complete records available for inspectors.
- **Our stance:** England sites follow this guidance in full and use organisation templates that mirror its content and timelines.
- **Implementation example:** Case file contains investigation notes, decision rationale, compliant letters, governing board/IRP minutes, and a reintegration plan.
- **Links:** <https://www.gov.uk/government/publications/school-exclusion>

### Keeping Children Safe in Education (KCSIE)

- **Means:** Statutory safeguarding guidance for schools and under 18s in colleges; exclusion decisions must align with safeguarding culture, DSL oversight and information-sharing duties.
- **Requires:** DSL review of risk/vulnerability; secure recording; timely referrals where thresholds are met; inspectors triangulate exclusion decisions with safeguarding evidence.
- **Our stance:** DSL/DSP reviews every proposed suspension/exclusion and signs the recorded risk considerations.
- **Implementation example:** Exclusion pack includes DSL risk note and any multi-agency contacts or referrals.
- **Links:** <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

### Equality Act 2010: Advice for Schools (DfE)

- **Means:** Departmental guidance on applying Equality Act duties to school decisions, including **non-discrimination** and **reasonable adjustments** relevant to exclusions.
- **Requires:** Decisions explicitly consider protected characteristics and adjustments; inspectors expect written equality reasoning in the decision record.
- **Our stance:** Decision forms include an equality/adjustments checklist completed before confirmation of exclusion.

- **Implementation example:** File shows what adjustments were tried/considered and why exclusion remained proportionate.
- **Links:** <https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>

### SEND Code of Practice (0–25)

- **Means:** Statutory guidance on identifying/meeting SEND; requires proper consideration of needs, EHC plans and reasonable adjustments before exclusion.
- **Requires:** Evidence of graduated response and support planning; inspectors check consistency with SEND duties where excluded learners have SEND.
- **Our stance:** England sites evidence the support sequence and, where relevant, EHC links prior to exclusion.
- **Implementation example:** Pack contains SEN plan/EHC excerpts, reviews, and rationale for last-resort decision.
- **Links:** <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

### Education (Independent School Standards) Regulations 2014 (ISS)

- **Means:** Legal standards for independent schools, including **welfare, health and safety (Part 3)**, information (Part 6), complaints (Part 7) and leadership (Part 8) relevant to exclusions.
- **Requires:** Written behaviour/exclusion procedures, compliant communications and records, and leadership oversight evidenced for inspection.
- **Our stance:** Policy and evidence are mapped to the relevant ISS Parts for exclusions.
- **Implementation example:** ISS compliance matrix links each exclusion step to Parts 3/6/7/8 and to the site's evidence store.
- **Links:** <https://www.legislation.gov.uk/ukSI/2014/3283>

### Ofsted Education Inspection Framework (EIF)

- **Means:** National framework for inspecting education providers (incl. non-association independents and independent FE) covering behaviour, personal development, leadership and safeguarding culture.
- **Requires:** Evidence that exclusions are proportionate/rare, well-recorded, monitored for patterns/disproportionality, and followed by purposeful reintegration.
- **Our stance:** We present an exclusions dashboard, sampling packs and leadership evaluation aligned to EIF judgment areas.
- **Implementation example:** SLT termly report shows trends, equality breakdown and actions taken, ready for inspection.
- **Links:** <https://www.gov.uk/government/publications/education-inspection-framework/education-inspection-framework-for-use-from-november-2025>

## Appendix B

Legislation, guidance and regulatory framework underpinning Suspension and Permanent Exclusion in Wales.

### Exclusion from Schools and PRUs (Welsh Government, 2024)

- **Means:** Statutory guidance on **fixed-term** and **permanent** exclusion, setting national procedures, content of letters, review/appeal routes and timescales.
- **Requires:** Headteacher/Principal follows the Welsh procedure, with compliant notifications and governing body reviews within Wales-specific deadlines.
- **Our stance:** Wales sites implement the guidance in full and use WG-aligned templates.
- **Implementation example:** Exclusion file shows decision notes, WG-compliant letters and governing body review minutes.
- **Links:** <https://www.gov.wales/sites/default/files/publications/2024-04/240410-exclusion-from-schools-and-pupil-referral-units.pdf>

### Keeping Learners Safe (Welsh Government)

- **Means:** Statutory safeguarding guidance; exclusion practice must align with local safeguarding processes and roles.
- **Requires:** DSL/DSP oversight and proportionate recording/escalation; inspectors triangulate exclusion decisions with safeguarding evidence.
- **Our stance:** DSL/DSP quality-assures all exclusion decisions and records safeguarding considerations.
- **Implementation example:** Pack includes DSL/DSP note on risk, vulnerability and any referral.
- **Links:** <https://www.gov.wales/keeping-learners-safe>

### Independent School Standards (Wales) Regulations 2024

- **Means:** Current standards for independent schools in Wales; relevant to leadership, welfare/health/safety, information and complaints about exclusions.
- **Requires:** Written procedures, accurate notifications and records; proprietor oversight evidenced for inspection.
- **Our stance:** Policy and evidence map to the applicable ISS(Wales) provisions for exclusions.
- **Implementation example:** Standards mapping sheet links each step to the correct Regulation and site evidence.
- **Links:** <https://www.legislation.gov.uk/wsi/2024/27/made>

Estyn: Inspection Guidance — Independent Schools



- **Means:** Estyn guidance on what and how independent schools are inspected; reviewers consider proportionate use of exclusion and impact on learners.
- **Requires:** Data, rationale, equality monitoring and reintegration practice are available and discussed with inspectors.
- **Our stance:** We present Wales-specific evidence packs and leadership evaluation aligned to Estyn expectations.
- **Implementation example:** SLT termly review includes exclusion metrics, disproportionality analysis and improvement actions.
- **Links:** <https://estyn.gov.wales/inspection-guidance-resources/>

## Appendix C

Legislation, guidance and regulatory framework underpinning Suspension and Permanent Exclusion in Scotland.

### Included, Engaged and Involved Part 2 (Scottish Government)

- **Means:** National guidance on **preventing and managing school exclusions**; emphasises prevention, proportionality, learner/parent voice and short-term use.
- **Requires:** Sites follow local authority procedures; exclusions are last resort and support/reintegration is planned and recorded.
- **Our stance:** Scottish sites adopt the guidance and align procedures to their local authority processes.
- **Implementation example:** File includes LA-compliant letters, decision record, supports offered and a GIRFEC-aligned reintegration plan.
- **Links:** <https://www.gov.scot/publications/included-engaged-involved-part-2-positive-approach-preventing-managing-school/>

### GIRFEC (Getting it right for every child)

- **Means:** Scotland's national wellbeing approach; frames planning and multi-agency support that must underpin decisions to exclude.
- **Requires:** Evidence of SHANARRI-based planning, early help and coordinated support; inspectors look for planning quality and impact.
- **Our stance:** We show how support was planned/reviewed before or alongside exclusion.
- **Implementation example:** Child's Plan extracts and multi-agency notes filed with the exclusion record.
- **Links:** <https://www.gov.scot/policies/girfec/>

### How good is our school? (HGIOS4)

- **Means:** National self-evaluation framework used by HMIE; exclusions are scrutinised through leadership, wellbeing and safeguarding culture.
- **Requires:** Sites analyse patterns, disproportionality and impact; improvement actions are tracked and evidenced.
- **Our stance:** Exclusion analysis is embedded in self-evaluation and improvement cycles.
- **Implementation example:** Self-evaluation summary evidences trends, mitigation and measurable inclusion outcomes.
- **Links:** <https://educationinspectorate.gov.scot/inspection-frameworks/hgios4/>