



Filey Junior School

Widening horizons and reaching our potential.
Respecting the world and each other.
A happy, healthy and positive learning community.

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Review date: Oct 2027

Signed Headteacher: *Michael Taylor*

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Signed Chair of Governors: *Lucy Beighton*

Suspensions and Exclusions Policy

Aims of this policy

This policy applies to all pupils attending the school and sets out the school's approach to suspension, permanent exclusion and pupil movement.

The policy has been developed in accordance with the Department for Education's statutory guidance Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (July 2026), which came into force on 26 July 2026.

The school will have regard to all relevant legislation and statutory guidance when making decisions about suspension and permanent exclusion, including the Education Act 2002, Education and Inspections Act 2006, Equality Act 2010, Children and Families Act 2014 and the SEND Code of Practice.

The school will also work in accordance with the Behaviour in Schools guidance and relevant safeguarding requirements. Suspension and permanent exclusion will be used lawfully, fairly, reasonably and proportionately, with suspension used where necessary and permanent exclusion only as a last resort.

This policy also covers relevant arrangements for off-site direction and managed moves, which may be used to support behaviour and prevent suspension or permanent exclusion where appropriate. The school will ensure that pupil movement is undertaken lawfully and that informal or unofficial exclusions are not used.

The school will consider the individual circumstances of each pupil, including their age, needs, SEND, disability, safeguarding circumstances and any relevant reasonable adjustments, before making a decision to suspend or permanently exclude.

The Headteacher's Duty

Under the Education and Inspections Act 2006, headteachers of maintained schools and pupil referral units must determine measures to be taken with a view to:

- promoting self discipline and proper regard for authority among pupils,
- encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils,
- securing that the standard of behaviour of pupils is acceptable,
- securing that pupils complete any tasks reasonably assigned to them in connection with their education, and
- otherwise regulating the conduct of pupils. Permanent exclusions can be used to help achieve these aims when they are absolutely necessary, as a last resort.

Types of Suspension/Exclusion

Suspensions will be for a fixed number of school days. An individual fixed period suspension should be for the shortest time necessary, bearing in mind that suspensions of more than a day or two make it more difficult for the pupil to reintegrate back into the school afterwards. A pupil must not be suspended for more than 45 school days in any one school year.

Governing Board Consideration of Suspensions

Where a suspension would result in a pupil being suspended for more than 15 school days in a term, the governing board must consider and decide on reinstatement within 15 school days.

Where a pupil would be suspended for more than 5 but not more than 15 school days in a term, the governing board must consider any representations made by the parent/carer. Where representations are made, the governing board must consider and decide on reinstatement within 50 school days of receiving notification of the suspension.

For suspensions of 5 school days or fewer, the governing board must consider any representations made by the parent/carer but is not required to arrange a meeting or direct reinstatement.

The law does not allow a suspension to be extended or converted into a permanent exclusion. Where further evidence comes to light, a new suspension or permanent exclusion can begin immediately after the original suspension ends.

Permanent Exclusions (PEX) are issued when the headteacher is convinced they have seriously or persistently breached the school's behaviour policy and that allowing them to remain in school would seriously harm their education or welfare (or that of others in the school).

This type of exclusion must be reviewed at a meeting by a panel of governors. The pupil and parent/carer will have the opportunity to put their case at the meeting, can be represented by someone who can speak on their behalf and can be supported by a friend, if they wish. If governors agree with the Headteacher's decision to permanently exclude the pupil, pupil and parent/carer have a legal right to a further opportunity to challenge this decision via an Independent Review.

Grounds for Exclusion

In line with paragraph 11 of the statutory guidance, before excluding a pupil permanently, the Headteacher must be convinced that there is sufficient evidence that the pupil has committed a

disciplinary offence and that allowing the pupil to remain in school would seriously harm the education or welfare of that pupil or others in the school.

There are a number of reasons for exclusions: the list is illustrative and every decision must satisfy the statutory test. No individual behaviour automatically results in suspension or permanent exclusion. The following examples are illustrative only. Any decision to suspend or permanently exclude must be based on the individual circumstances of the case and must comply with the statutory requirements, including consideration of proportionality, equality duties, SEND and disability, reasonable adjustments and the circumstances leading to the behaviour.

- Use or threat of use of an offensive weapon or prohibited item
- Abuse against sexual orientation and gender identity
- Abuse relating to disability
- Inappropriate use of social media or online technology
- Physical assault against pupils
- Physical assault against adults
- Verbal abuse / threatening behaviour against pupil
- Verbal abuse / threatening behaviour against adult
- Bullying
- Racist abuse
- Sexual misconduct
- Drug and alcohol related
- Damage to property
- Theft
- Persistent or general disruptive behaviour

Suspension/Exclusion as a Last Resort

A pupil will be suspended/excluded from school only as a last resort and as a result of serious and/or persistent breaches of the school behaviour policy and where allowing them to remain in school would be of serious detriment to the education or welfare of the pupil or others in school.

Other options should be investigated before resorting to an suspension/exclusion. The [NYCC Ladder of Intervention](#) provides structured, step-by-step guidance for schools to support individual pupils who have social and emotional needs manifesting in challenging behaviour that could lead to a suspension/exclusion. The guidance details a graduated response to ensure early help is in place to support children and young people with social, emotional and mental health needs, including those that are at risk of suspension/exclusion.

Before taking the decision to suspend/exclude, the Headteacher should consider the following:

What whole-school approaches and provision are in place to support this pupil?

e.g. whole school behaviour policy and inclusive practice to support behaviour for learning, quality first teaching, etc. Are school policies inclusive or do they discriminate against particular pupils with specific needs?

What measures or strategies has the school put in place to support this specific pupil?

e.g. behaviour plan, specific learning support, mental health and wellbeing advice, etc. Have support and intervention been put in place and has enough time been allowed for the intervention or support to take effect?

If there have been multiple, repeat suspensions/exclusions for similar reasons (e.g. abusive behaviour, drug use, etc.) what has been put in place to successfully address the causes?

Where the school is repeatedly suspending/excluding for the same reason, this could indicate unmet needs.

What support has been sought from outside agencies, including the Local Authority?

Through its universal and targeted provision, the LA provides access to a range of services. Has school accessed any of the following?

- SEND guidance (for pupils with Special Educational Needs or a Disability)
- Ladder of Intervention
- SEND Assessment (leading to an Education Health and Care Plan)
- Local Inclusion Panel or the Pupil Referral Service (PRS)
- Referral to the SEND Hub to support additional educational and/or social, emotional and mental health needs
- Advice and support from an Educational Psychologist, the Early Help Service, Child and Adolescent Mental Health Service (CAMHS), Youth Justice Service or Children's Social Care
- An Early Help (EH) Assessment and Action Plan

Protocol - Investigation

Before deciding whether to suspend/exclude a pupil the Headteacher should:

- make sure that a thorough investigation has been carried out, consulting others if necessary;
- Take into account the school's Behaviour Policy and Equality Policy and all relevant duties under the Equality Act 2010, including the duty to make reasonable adjustments for disabled pupils.
- check whether bullying or racial or sexual harassment (or any other coercion) led to their actions.

Protocol - Decision

The decision to suspend/exclude (either for a fixed-term or permanently) can only be taken by the Headteacher. Upon coming to the decision to suspend/exclude, the school will inform the parent/carers by telephone as soon as possible and follow this with a formal letter without delay. To ensure statutory returns can be made to the DfE and so that alternative education can be put in place (in the event of a permanent exclusion), the school should also inform the Local Authority.

Notifications must be made to:

- The parent;
- The Local Authority;
- The Social worker (if the pupil has one);
- The virtual School Head, if the pupil is looked-after;

The LA must be informed of all exclusions regardless of length. This is done through the school's MIS system.

Local Authority Support

To ensure schools comply with statutory guidance issued by the DfE, the Local Authority recommends use of forms, templates and model letters developed by the NYCC Inclusive Education Service. These forms and the most up-to-date information and guidance on exclusions can be accessed via:

Preventative measures to school exclusion

In addition to the strategies set out regarding initial intervention (this can be found on page 27 of the [Behaviour in Schools guidance](#)), headteachers should also consider the following: a) an off-site direction (temporary measure that maintained schools and academies for similar purposes can use) or b) managed moves (permanent measure) as preventative measures to exclusion.

Reasonable adjustments

A school should not assume that because your child has SEND, it must have affected their behaviour on a particular occasion. Schools should consider whether your child's SEND has contributed to their behaviour, and whether it is therefore fair and lawful to sanction them because of this.

Schools should think about any triggers of misbehaviour so they can support all pupils with SEND to behave well.

Sometimes, pupils with a disability will need reasonable adjustments made to a rule or type of sanction.

Education, health and care (EHC) plans

If a child has an EHC plan, the school should speak to parents about any concerns they have about their child's behaviour at an early stage. They should also contact the local authority and consider requesting an early annual review. This is when your local authority reviews the child's EHC plan to make sure it is kept up to date

Protocol for suspensions for children with EHCP

Legal Framework

Schools must comply with:

- [Education Act 2002](#)
- [Suspension and Permanent Exclusion Guidance \(DfE\)](#)
- [Children and Families Act 2014](#)
- [SEND Code of Practice \(2015\)](#)
- [Equality Act 2010](#)

A pupil with an EHCP can be suspended, but additional safeguards apply.

Core Principles

- Suspension must be lawful, reasonable, fair, and proportionate
- It must be a last resort, not a response to unmet SEN

- Schools must show they have taken reasonable adjustments
- Behaviour must be considered in the context of the child's identified needs.

Before Considering Suspension

The school **must evidence** that:

- The [behaviour policy](#) has been applied **flexibly**
- **Reasonable adjustments** have been made (e.g. timetable changes, support staff, sensory breaks)
- Strategies in the **EHCP** have been implemented.
- SEN support and advice have been sought (e.g. SENCO, educational psychology)
- Early interventions and alternatives have been attempted
- Individual Learning Plans have been adapted, well matched and followed to meet the needs of the pupil

If behaviour may be linked to unmet need:

- **An emergency EHCP review should be considered**
- Suspension should **not** be used to manage lack of provision

Decision-Making Process

When suspension is being considered:

- The **Headteacher** must make the decision
- They must consider:
 - Whether the pupil's SEND or disability, including any unmet needs or failure to provide appropriate support or reasonable adjustments, contributed to the behaviour.
 - Whether failure to implement the EHCP contributed to the incident
- The decision must be:
 - **Individualised**
 - **Proportionate**
 - **Time-limited**

During Suspension

The school must:

- Inform parents **without delay**, explaining:
 - Reason for suspension
 - Length of suspension
 - Right to make representations
- Continue to take responsibility for the pupil
- Arrange **education from day 6**

For a suspension exceeding five school days, the school must arrange suitable full-time education from the sixth school day.

For a permanent exclusion, the local authority has the duty to arrange suitable full-time education from the sixth school day.

- Consider:
 - Alternative provision
 - Supportive reintegration planning

Additional Safeguards for EHCP Pupils

- The **Local Authority should be notified**, particularly for repeated suspensions
- Repeated suspensions may indicate:
 - Breakdown of placement
 - Inadequate provision
- School should **not use suspension to pressure parents** to:
 - Reduce attendance
 - Electively home educate
 - Agree to an unofficial placement change

Reintegration and Next Steps

Following suspension:

- A **reintegration meeting** should take place
- Review:
 - Behaviour triggers
 - Effectiveness of current provision
- Consider:
 - Interim support plans
 - Risk assessments
 - Early Annual Review or emergency review of the EHCP

What the school must not do

Schools must not:

- Suspend because provision is unavailable
- Use “cooling-off” periods outside the legal framework
- Impose informal or unofficial exclusions
- Repeatedly suspend without reviewing SEN provision

Governance and Oversight

- Governors must review suspensions fairly
- Patterns of suspension for pupils with EHCPs should be monitored
- Equality impact considerations must be documented

Off-site direction

Off-site direction may be used where a temporary placement at another educational setting is considered appropriate to support a pupil’s behaviour, engagement and successful return to school. It will not be used as an informal exclusion or as a way of avoiding the statutory exclusion process.

Before an off-site direction begins, the school will:

- set clear behavioural and educational objectives for the placement;
- seek and consider the pupil’s views, taking account of their age, maturity and individual needs;
- involve the pupil’s parent/carers and explain the reasons, arrangements and expected outcomes;
- identify a suitable receiving setting and share relevant information about the pupil’s needs;
- ensure the pupil continues to receive suitable education and appropriate support;

- agree the expected duration and review arrangements.

The school, receiving setting, pupil and parent/carers will review progress against the agreed objectives. Progress may be assessed through attendance, engagement, behaviour, staff feedback and the pupil's views.

The placement will not continue longer than necessary and will be reviewed regularly. Arrangements for the pupil's return to school will be planned from the outset, including any support, reasonable adjustments or behaviour strategies needed to promote successful reintegration. The pupil's progress will continue to be monitored following their return.

Written information about the placement will be provided to parents including:

- Address of the provision;
- Person to whom the pupil reports;
- Number of days;
- Reasons and objectives;
- Session times;

The governing board must also keep the placement under review and make decisions about whether it should continue.

Separation of Pupils for Safeguarding Reasons

The school may, in exceptional circumstances, temporarily separate a pupil from other pupils where this is necessary to protect the safety and welfare of the pupil or others.

Such separation is a safeguarding measure and is not a suspension or permanent exclusion unless the pupil is being removed from school on disciplinary grounds.

Any separation will be proportionate, time-limited, appropriately recorded and subject to appropriate safeguarding oversight. The school will ensure that the pupil continues to receive suitable education and support and that their individual needs, including SEND and medical needs, are considered.

Managed Moves

A managed move is:

- A permanent transfer;
- voluntary/agreed between relevant parties;
- Not an exclusion;
- Not an informal exclusion;
- Not to be used to pressure parents into removing a pupil;
- Subject to appropriate information-sharing and safeguarding arrangements.

Off-rolling and Informal Exclusion

The school will not use informal or unofficial exclusions, pressure parents/carers to remove a pupil from the school roll, or otherwise seek to avoid the statutory suspension or permanent exclusion process.

Any change to a pupil's educational placement will be undertaken lawfully, in accordance with the relevant statutory guidance, and with appropriate consideration of the pupil's needs, views and welfare.

Parental agreement does not make an otherwise unlawful exclusion lawful.

Governance and Monitoring

The governing board will monitor suspension and permanent exclusion data regularly, including patterns relating to repeat suspensions, vulnerable groups and pupils with SEND.

The governing board will also monitor pupil movement, including managed moves, off-site direction, removals from the admission register and separation of pupils for safeguarding purposes, to ensure that these measures are used lawfully, appropriately and only where necessary.

The governing board will challenge emerging patterns and consider whether further support, intervention or action is required.

Annex B: Further information

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Guidance	Link
Behaviour in Schools	Behaviour in Schools
Guidance for parents and carers on behaviour, suspension and permanent exclusion	A guide for parents on school behaviour and exclusion
Mobile Phones in Schools	Mobile phones in schools - GOV.UK (www.gov.uk)
Governance handbook and competency framework	Maintained schools governance guide Academy Trust governance guide
Alternative Provision	Arranging Alternative Provision - A Guide for Local Authorities and Schools Education for children with health needs who cannot attend school
Mental health in schools	Mental health and behaviour in schools
Children with Special Educational Needs and Disabilities	SEND Code of Practice: 0 to 25 years Children with special educational needs and disabilities (SEND)
Departmental Advice on attendance	Working together to improve school attendance
Departmental Advice on safeguarding and child protection	Keeping children safe in education Children Missing Education Working Together to Safeguard Children
Departmental Advice on Promoting the education of looked-after and previously looked-after children	Promoting the education of looked after and previously looked after children The designated teacher for looked-after and previously looked-after children
Sharing and publishing information	School to school service: how to transfer information What maintained schools must or should publish online What academies and further education colleges must or should publish online