

Pathway Schools Ltd

Suspension and Exclusion Policy

Statement of intent

At Pathway Schools Ltd, we understand that good behaviour and discipline is essential for promoting a high-quality education.

The school recognises that the exclusion of students may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Excluding a student may also be required in instances where allowing the student to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding students will only be used as a means of last resort.

The school has created this policy to provide clarity on when the school's right to exclude a student may be exercised, and to ensure that our procedures are fair and promote natural justice. This policy does not apply to instances when a student must leave the school due to non-payment of fees or withdrawal by their parents.

Date policy last reviewed: 1 September 2025

Date for next review: 1 September 2026

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1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Education Act 2002
- Education and Inspections Act 2006
- Education Act 1996
- The Education (Independent School Standards) Regulations 2014
- The European Convention on Human Rights (ECHR)
- Equality Act 2010
- DfE 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE 'Mental health and behaviour in schools'

2. Roles and responsibilities

The LA will be responsible for:

- Arranging suitable full-time education for any student of compulsory school age who is excluded permanently, in coordination with the school.
- Reviewing and reassessing students' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.

The Board of Directors/Governing Board will be responsible for:

- In conjunction with the Headteacher, ensuring arrangements are in place to allow for a prompt review of all permanent exclusions, where necessary.
- Considering written representations from parents about exclusions within seven working days of receiving notice.
- Where an exclusion would result in a student missing an examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a student to be permitted onto the school premises to sit the examination or test.

The Headteacher will be responsible for:

- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a student has suffered bereavement, bullying or has a mental health issue.
- Considering what extra support may be needed to identify and address the needs of individual students, particularly students:
 - With SEND
 - Who are eligible for FSM
 - Who are LAC
 - From certain ethnic groups
- Engaging effectively with parents in supporting the behaviour of students with additional needs.
- Instigating a multi-agency assessment to assess the behavioural issues of vulnerable students when necessary.
- Arranging and attending a disciplinary/re-integration meeting with the student and their parents.
- Determining whether a student will be excluded on disciplinary grounds.
- Ensuring any decision to exclude is lawful, rational, reasonable, fair, and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude a student.
- Ensuring they have considered their legal duty of care when sending a student home following an exclusion.
- Notifying a student's parents without delay where the decision is taken to exclude the student.
- Notifying the LA within 24 hours of their decision to exclude (or serve notice on the placement of) a student where appropriate, as well as the student's home authority if required.
- Organising suitable work for excluded students where necessary.

- Considering problems, e.g. safeguarding concerns, that may be caused by a temporary exclusion, e.g. inadequate supervision of the student during the exclusion. #

3. Grounds for suspension or exclusion

The school will only suspend or exclude a student where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour Policy have failed to be successful.

The following examples of student behaviour may underline the school's decision to suspend or exclude a student:

- Physical assault against a student
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a student
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Bullying
- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse

The above list is not intended to be exhaustive, and it will remain at the discretion of the Headteacher to determine if exclusion is an appropriate disciplinary action in response to an incident or series of incidents.

Students can be suspended on a fixed-period basis, i.e. up to 45 school days within an academic year, or permanently. Similarly, students can be permanently excluded following a suspension, where further evidence is presented.

In all cases, the Headteacher will decide which exclusion period a student will be subject to, depending on what the circumstances warrant.

The Headteacher will decide if an offence warrants police involvement if there is a belief criminal activity may have taken place.

4. The Headteacher's power to suspend and exclude

Only the Headteacher or Executive Headteacher has the power to suspend or exclude a student from the school, which is derived from the Parent Contract, and they will decide whether a suspension or exclusion is appropriate.

The Headteacher or Executive Headteacher is able to suspend students from the premises where their behaviour is disruptive during lunchtime.

The Headteacher or Executive Headteacher is able to consider a student's disruptive behaviour outside of the school premises as grounds for suspension or exclusion, in accordance with the school's Behaviour Policy.

Any decision made to exclude a student will be lawful, proportionate, and fair, with respect to the school's wider legal duties, including the ECHR. At all times, the Headteacher or Executive Headteacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, and will not increase the severity of a student's exclusion on these grounds.

When sending a student home following a suspension or exclusion, the Headteacher will ensure that they exercise their duty of care at all times and will always inform the student's parents.

The Headteacher or Executive Headteacher will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The Headteacher or Executive Headteacher will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g. sending a student home to 'cool off', regardless of whether the parents have agreed to this.

The Headteacher will not use the threat of suspension or exclusion as a means of instructing parents to remove their child from the premises.

All suspensions and exclusions will be formally recorded on the student information system.

5. Factors to consider when excluding a student

A suspension or exclusion will only be imposed instantly if there is believed to be an immediate threat to the safety of staff and students in the school or the student themselves.

When considering the suspension or exclusion of a student, the Headteacher or Executive Headteacher will:

- Ensure an appropriate investigation and evidence-recording process is carried out.
- Allow the student the opportunity to present their case, accompanied by a member of staff or a parent if requested.
- Give adequate consideration to contributing factors that are identified after a case of poor behaviour has occurred, e.g. the student's SEND, or if the student's wellbeing has been compromised, or they have been subjected to bullying.

The Headteacher or Executive Headteacher will consider what extra support may be available for vulnerable student groups, e.g. students with SEND, whose suspension or exclusion rates are higher, to reduce their risk of exclusion.

The Headteacher or Executive Headteacher will consider avoiding permanently excluding LAC, students with SEMH issues and students with an EHC plan.

Where any member of staff has concerns about vulnerable student groups and their behaviour, they will report this to the Headteacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational and mental health needs, or other needs and vulnerabilities. The full assessment procedures are outlined in the school's Social, Emotional and Mental Health (SEMH) Policy.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's Behaviour Policy. If the student continues to endanger the physical or emotional wellbeing of other students or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered.

In accordance with the Equality Act 2010, under no circumstances will a student with identified SEND or SEMH issues be excluded before the graduated response process has been completed.

The Headteacher will work in conjunction with the parents of any student with additional needs to establish the most effective support mechanisms.

6. Duty to inform parents

The Headteacher or Executive Headteacher will inform the parents of a student under investigation for an incident that may result in suspension or exclusion as soon as is reasonably practical.

When a decision is made to suspend or exclude a student, the Headteacher or Executive Headteacher will immediately inform the parents, in person or by telephone, of the period of the suspension or the permanency of the exclusion and the reasons behind this.

The Headteacher will inform the student's parents via written communication of the following:

- The reason(s) for the suspension or exclusion
- The length of the suspension or permanency of the exclusion
- The arrangements to allow the student to work at home, where appropriate
- The student's rights to enter the school premises during the suspension or exclusion

- Their right to raise any representations about the suspension or exclusion to the Board of Directors/Governing Board, including where a deadline applies, how the student will be involved in this and how the representations will be made
- Relevant sources of free, impartial information

If the Headteacher has decided to suspend the student for a further fixed period following their original suspension, or to permanently exclude them, they will notify the student's parents without delay and issue them with a new exclusion notice.

7. Disciplinary/re-integration meeting

The Headteacher will decide if a disciplinary/re-integration meeting is required to address breaches of the school's Behaviour Policy or Parent Contract where exclusion is considered necessary.

The student and their parents will be requested to attend the disciplinary meeting and they will be provided with the opportunity to provide their views of the complaints made.

A member of staff will be chosen by the student to accompany them in the meeting if requested.

At the meeting, the Headteacher will ensure the following documents are available:

- A statement detailing the incident(s) and complaints against the student
- The report compiled as part of the investigation
- Any relevant correspondence, e.g. written statements
- Relevant documents from the student's school file
- A copy of this policy

The Headteacher will not be required to share confidential information, or the identities of students or others who have provided information that has formed part of the evidence against a student, with parents.

The Headteacher will decide based on the evidence presented at the meeting and representations made by and on behalf of the student whether further investigation is needed, or whether the complaint has been proved or disproved on the balance of probability.

If the complaint is proved, the Headteacher will inform the student and their parents of the possible disciplinary actions and a decision will be given within 24 hours.

If the student's parents request a review by the Board of Directors/Governing Board, the student will remain suspended until the Board of Directors/Governing Board has concluded the process.

8. Reviewing suspensions and exclusions

The Board of Directors/Governing Board will consider any representations made by the student's parents in regard to suspensions and exclusions that are received in writing within three working days of notification – representations made after the deadline will be considered only at the discretion of the Headteacher.

The parents' representation will state the basis on which they are seeking a review and the resolution they want.

The Board of Directors/Governing Board will decide if a review is warranted based on the representation – a simple disagreement with the Headteacher's decision will not typically be considered sufficient grounds for a review.

When a review is granted, the Board of Directors/Governing Board will select a three-member panel. The members of the panel will not have prior knowledge of the details of the case or be familiar with the student or their parents.

The student's parents will be notified before the review of the chosen members for the panel, and the Board of Directors/Governing Board will consider any objections raised.

The review will take place within 10 working days of submission of the parents' representations during term time.

The chair of the panel will decide if new information provided by either side is allowed to be considered.

The panel will examine the evidence provided by both sides and the representations made and will decide if the original decision stands or whether the Headteacher should reconsider their decision with recommendations made, e.g. to reduce the severity of the punishment.

A review meeting is a private procedure and all those involved will keep the proceedings confidential, subject to law.

In attendance at the review meeting will be the members of the panel, an appointed clerk, the Headteacher, the student and their parents, and any relevant staff member requested by the student or their parents agreed upon by the Headteacher.

The procedures of the review meeting will be informal, fair and follow the requirements of natural justice.

9. Reaching a decision

The panel will consider how the decision was reached and if the facts of the case were sufficiently proved – the civil standard of proof will apply.

The panel will decide if the disciplinary action was proportionate to the complaints made against the student.

The student and their parents will be informed that if they are unhappy with the procedure of the review, they should raise their concern to the chair of the panel at the time and ask the clerk to note their concern.

Once all issues have been considered, the panel will reach its decision and make its recommendations, which will be communicated in writing, with justifications, to the Headteacher and the student's parents by the chair of the panel within three working days of the meeting.

The Headteacher will respond to the recommendations within 24 hours of notification. This decision will be final.

The Headteacher will consult with the student's parents before determining the leaving status of the excluded student, in line with the Parent Contract, and any additional arrangements, e.g. the form of reference which will be supplied for the student.