Suspension and Permanent Exclusion Policy

This policy has been adopted by the Board of Directors of Pathfinder Multi Academy Trust and is applicable across all schools that make up the Trust. In line with the MAT's Scheme of Delegation, this Policy must be duly applied by each Local Governing Committee and the headteacher of each school that is part of Pathfinder Multi Academy Trust.

Where there are specific details or any discretions in the policy that apply to an individual school or Local Governing Committee this has been made clear within the wording of the policy.

This policy will be reviewed formally by the MAT Board of Directors in line with the agreed timetable for policy review or sooner as events or legislation changes require.

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Date for Review: **October 2027**

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2026-27 changes to this policy:

- Section 1: The addition of protected characteristics
- Section 1.1: The addition of a reasons for suspension and /or exclusion
- Section 1.2: Safeguarding section added
- Section 2 Additions of further linked DfE documents
- Section 3: AP definition added (note difference to SEMH AP)
- Section 4: Additional role of headteacher amendments
- Section 4: Further information added to ‘informing parents’
- Section 4: Amendments to the cancelling a suspension or exclusion
- Section 6: Addition of reasonable adjustments
- Section 7: Addition of children known to social care
- Section 10.3: Clarification on the role of AP

1 Aims

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our schools aim to:

- Ensure that the exclusions process is applied fairly and consistently.
- Help governors, staff, parents and pupils understand the exclusions process.
- Ensure that pupils in school are safe and happy.
- Prevent pupils from becoming NEET (not in education, employment or training).
- Ensure all suspensions and permanent exclusions are carried out lawfully.
- Ensure that all suspensions and permanent exclusions include multi-agency safeguarding protocols where appropriate.

A note on off-rolling

Our schools are aware that off-rolling is unlawful. Ofsted defines off-rolling as:

Off-rolling is where leaders take any of the following decisions, and do so in the interests of the school, rather than of the pupil(s) in question:

- Removing a pupil from the school roll (such as by moving them to AP) without a formal, permanent exclusion (this may be an unlawful exclusion) or intentionally not following regulations when carrying out a permanent exclusion.
- Preventing a pupil on the school roll from attending school normally without a formal suspension, for example by sending them home or placing them on a part-time timetable (for behaviour) (this may be an unlawful suspension).
- Placing pressure on a parent to remove their child from the school roll.
- Placing pressure on a post-16 student not to continue with their course of study.
- Not allowing a pupil to attend school normally, without a formal permanent exclusion or suspension’.

Our schools will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'.
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support.
- Because of a protected characteristic.
- Due to poor academic performance.
- Because they haven't met a specific condition, such as attending a reintegration meeting.
- By exerting undue influence on a parent to encourage them to remove their child from the school.

1.1 Reasons for recording a suspension or exclusion

The reasons below are examples of the types of circumstances that may warrant a suspension. (This list is not exhaustive and is intended to offer examples rather than be complete or definitive):

- Physical assault against a pupil.

- Physical assault against an adult.
- Verbal abuse or threatening behaviour against a pupil.
- Verbal abuse or threatening behaviour against an adult.
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy.
- Bullying.
- Racist abuse.
- Abuse against sexual orientation or gender reassignment.
- Abuse relating to disability.

1.2 Exceptions due to safeguarding

In certain circumstances, a school can temporarily forbid a pupil from attending its premises due to an allegation of harm by one pupil against another which might require physically separating a pupil from one or other pupils.

In this scenario, the local authority will arrange education for the pupil if the school itself or the pupil's parent does not do so.

This is not an exclusion on disciplinary grounds.

Decisions to temporarily forbid a pupil from attending its premises for safeguarding reasons, will be made on a case-by-case basis, with Trust leaders, school leaders and the designated safeguarding lead (or a deputy) taking a lead role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.

2 Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011.
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out parental responsibility for excluded pupils.
- Section 579 of the Education Act 1996, which defines 'school day'.
- the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014 and as modified and amended by the Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026.
- The Equality Act 2010.
- Children and Families Act 2014

This policy considers the guidance set out:

- DfE 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement.' July 2026
- Behaviour in schools: advice for headteachers and school staff, DfE 2024.
- Behaviour in Schools guidance; Keeping Children Safe in Education; Working together to improve school attendance; Mental health and behaviour in schools.

This policy complies with our funding agreement and articles of association.

3 Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'. 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. The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'. A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently should 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.

Off-site direction – directed learning delivered off site. This includes MAT- led provision and provision provided by the local authority.

Alternative provision- 'alternative provision' (AP) refers to suitable full-time education that is arranged for a pupil from the sixth school day (or earlier) of a suspension or the sixth school day (or earlier) after a permanent exclusion. In other circumstances, alternative provision may refer to education arranged for pupils who are unable to attend mainstream or special school and who are not educated at home, whether for behavioural, health, or other reasons. Alternative provision includes PRUs, alternative provision academies and free schools, and hospital schools, as well as a variety of independent, registered, unregistered and further education.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

4 Roles and responsibilities

4.1 The Headteacher

Under the Education and Inspections Act 2006, headteachers 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.
- 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.

Deciding whether to suspend or exclude

A headteacher will not make a decision regarding a suspension or exclusion until they have heard from the pupil (where possible and where a pupil is able to communicate before the end of the day), and will inform the pupil of how their views were taken into account when making the decision. Only a headteacher, executive headteacher, head of school or acting headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The headteacher will only use permanent exclusion as a last resort. In the event of the absence of the headteacher, the Trust will delegate this responsibility within the Trust's Executive Team.

A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.

A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion.

Any decision of a headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher must 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.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen. The headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.

A decision to suspend or exclude a pupil will be taken only:

- in response to serious or persistent breaches of the school's behaviour policy, and
- if allowing the pupil to remain in school would seriously harm the education or welfare of others.

Before deciding whether to suspend or exclude a pupil, the headteacher will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked.
- Allow the pupil to give their version of events (where possible).
- Consider whether the pupil has special educational needs (SEN) and whether the lack of reasonable adjustments manifest as a breach.
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC)).
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves.
- Ensure that the school does not discriminate against, harass, or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment.

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

Informing parents

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing (via the Trust's template letter), without delay:

- The reason(s) for the suspension or exclusion.
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent.
- Information about parents' right to make representations about the suspension or permanent exclusion to the Local Governing Committee and how the pupil may be involved in this.
- How any representations should be made.
- Where there is a legal requirement for the Local Governing Committee to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend.

The headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies.
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included, if possible:

- The start date for any provision of full-time education that has been arranged.
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant.
- The address at which the provision will take place.
- Any information the pupil needs in order to identify the person they should report to on the first day.

If the headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

Impartial advice

When notifying parents about a suspension or permanent exclusion, the headteacher should draw attention to relevant sources of free and impartial information. This information should include:

- The Department's Guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found here: https://www.gov.uk/government/publications/school-exclusions-guide-for-parents.
- Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Every exclusion letter should include details of the local service which can also be found here: https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network.
- Coram's Child Law Advice service can be found through their website: https://childlawadvice.org.uk/information-pages/school-exclusion/ or contacted on 0300 330 5485 from Monday to Friday, 10am – 4pm.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

Informing the Local Governing Committee

The headteacher will notify the Local Governing Committee of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil.
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term.
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam.

The headteacher will notify the Local Governing Committee once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

Informing the local authority (LA)

The headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion.
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent.

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the headteacher will inform **the social worker** as early as possible.
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the headteacher will inform **the VSH** as early as possible.

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil.
- The reason(s) for the decision.
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent.
- The suspension or permanent exclusion affects the pupils ability to sit a National Curriculum test or public exam (where relevant).

The social worker / VSH will be invited to any meeting of the Local Governing Committee about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

Informing the CEO and Trust Inclusion Team

The headteacher will, without delay, inform the Trust's CEO and advise the inclusion panel at the next available meeting via the Pathfinder Portal.

Cancelling suspensions and permanent exclusions

The headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled:

- The headteacher must notify the parents, the governing board, the LA and the pupil's social worker and VSH as applicable, without delay.
- The notification must also provide the reason for the cancellation.
- The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.
- The pupil will be allowed back in school.
- Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay.
- The pupil must be allowed back into the school from which they were excluded without delay.
- Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom or Oak Academy may be used for this. If the pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

4.2 The Local Governing Committee

Considering suspensions and permanent exclusions

The Local Governing Committee has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances:

- The exclusion is permanent.
- It is a suspension which would bring the pupil's total number of days out of school to more than 15 in a term; or
- It would result in a pupil missing a public exam or National Curriculum test.

In the case of a request from the secretary of state, within 14 days, the Local Governing Committee will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the Local Governing Committee will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

The Local Governing Committee does not have to arrange such provision for pupils in their final year of compulsory education who do not have any further public exams to sit.

Monitoring and analysing suspensions and exclusions data

The Local Governing Committee and the Trust will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The Local Governing Committee and Trust leaders will consider:

- How effectively and consistently the school's behaviour policy is being implemented.
- That an exclusion has not formed part of 'off rolling' (See Appendix II).
- The school register and absence codes.
- Instances where pupils receive repeat suspensions.
- Interventions in place to support pupils at risk of suspension or permanent exclusion.
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary.
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working.
- The characteristics of suspended and permanently excluded pupils, and why this is taking place.
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it.
- The cost implications of directing pupils off-site.

4.3 The Local Authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For pupils who are LAC or have social workers, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

5 Considering the reinstatement of a pupil

The Local Governing Committee will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent.
- It is a suspension which would bring the pupil's total number of days out of school to more than 15 in a term; or
- It would result in a pupil missing a public exam or National Curriculum test.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the Local Governing Committee, the Local Governing Committee will consider and decide the reinstatement of a suspended pupil within 50 school days of receiving notice of the

suspension. The Local Governing Committee may also consider and decide on reinstatement if the parents do not make representations.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the Local Governing Committee will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the Local Governing Committee may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension or permanent exclusion to more than 5 in a term, the Local Governing Committee:

- Must consider any representations made by parents.
- Must arrange the meeting to consider the representations within a reasonable amount of time.
- Can consider reinstatement in the absence of representations from parents.

The following parties will be invited to a meeting of the Local Governing Committee and allowed to make representations or share information:

- Parents (and, where requested, a representative or friend)
- The pupil if they are 18 years old or over
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after.

The Local Governing Committee will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The Local Governing Committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date.

In reaching a decision, the Local Governing Committee will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair.
- Whether the headteacher followed their legal duties.
- The welfare and safeguarding of the pupil and their peers.
- Any evidence that was presented to the Local Governing Committee.

They will decide whether or not a fact is true 'on the balance of probabilities'.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

The Local Governing Committee will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or the pupil, if they are 18 or older
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

- The local authority
- The pupil's home authority, if it differs from the school's.

Where an exclusion is permanent and the Local Governing Committee has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion.
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel.
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the Local Governing Committee's decision is given to parents).
- The name and address to which an application for a review and any written evidence should be submitted.
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion.
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the [LA/academy trust] to appoint an SEN expert to advise the review panel.
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment.
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review.
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review.
- That, if parents believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

6 Reasonable Adjustments

Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required.

- This should involve assessing the suitability of provision for a pupil's SEN or disability.
- Where a pupil has an EHC plan, schools should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude.
- For those with SEN but without an EHC plan, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for schools to request an EHC assessment or a review of the pupil's current package of support.

Where a school is contemplating a managed move for a pupil with an EHC plan, prior to any such move the original school should contact the local authority. If the local authority, both schools and the parents agree that there should be a managed move, the local authority will need to follow the statutory procedures for amending the EHCP.

7 Pupils who are known to social care

Where a pupil has a social worker, e.g. because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the headteacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations.

Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority's VSH as soon as possible. The DT should seek the advice of the VSH and consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion.

8 Independent review

If parents apply for an independent review within the legal timeframe, the Trust will arrange for an independent panel to review the decision of the Local Governing Committee not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Local Governing Committee of its decision to not reinstate the pupil or, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the headteacher category. At all times during the review process there must be the required representation on the panel.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
- Current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time.
- headteachers or individuals who have been a headteacher within the last 5 years.

A person may not serve as a member of a review panel if they:

- Are a director of the Trust.
- Are the headteacher of the excluding school, or have held this position in the last 5 years.

- Are an employee of the Trust, or the Local Governing Committee, of the excluding school (unless they are employed as a headteacher at another school).
- Have, or at any time have had, any connection with the Trust, school, Local Governing Committee, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality.
- Have not had the required training within the last 2 years.

The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion, or are relevant to the pupil's permanent exclusion.

Following its review, the independent panel will decide to do 1 of the following:

- Uphold the Local Governing Committee's decision.
- Recommend that the Local Governing Committee reconsiders reinstatement.
- Quash the Local Governing Committee's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed).

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the Local Governing Committee at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the Local Governing Committee and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the Local Governing Committee to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the Local Governing Committee reconsider reinstatement.

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it.
- Where relevant, details of any financial readjustment or payment to be made if the Local Governing Committee does not subsequently decide to offer to reinstate the pupil within 10 school days.
- Any information that the panel has directed the Local Governing Committee to place on the pupil's educational record.

9 School registers

A pupil's name will be removed from the school admission register if:

- 15 school days have passed since the parents were notified of the Local Governing Committee's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review has been made within 15 school days, the Local Governing Committee will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

Making a return to the LA

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- The pupil's full name.
- The full name and address of any parent with whom the pupil normally resides.
- At least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency.
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion).
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school.
- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house.

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

10 Returning from a suspension

10.1 Reintegration strategy

Following suspension, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school.
- Daily contact with a designated pastoral professional in school.
- Use of a report card with personalised targets leading to personalised rewards.
- Ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress.
- Planned pastoral interventions.
- Mentoring by a trusted adult or a local mentoring charity.
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage. Schools can consider a range of measures to enable the pupil's successful reintegration which can include, but are not limited to:
    - Maintaining regular contact during the suspension or off-site direction.
    - Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage.

Part-time timetables will not be used as a tool to manage behaviour and, if used for SEMH reasons, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

10.2 Reintegration meetings

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend.

The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

10.3 The use of Alternative Provision/ off site direction

Where a reintegration strategy includes the use of AP or off site direction, the governing board must ensure that the following groups are notified:

- parents (or pupils aged 18 or over)
- the local authority (if the pupil has an Education, Health and Care (EHC) plan).

Written information about the placement should be provided as soon as practicable after the direction has been made and no later than two school days before the relevant day.

This notice must include the following information:

- The address at which the educational provision is to be provided for the pupil.
- The person to whom the pupil should report to on first attending that address for the purposes of receiving the educational provision.
- The number of days for which the requirement is to be imposed.
- The reasons for, and objectives of, imposing the requirement; and in relation to the educational provision (where two sessions per day are provided, the times at which the morning session commences, the afternoon session ends and the break between them commences and ends, or where a single session per day).

Where these provisions are made, the reintegration plan must be kept under review:

- The governing board must hold review meetings at such intervals as they, having regard to the needs of the pupil, consider appropriate, for as long as the requirement remains in effect.
- No later than 6 days prior to a review, parents must be invited.
- No later than 6 days prior to a review, LA must be invited for those pupils who have SEND.
- The governing board must keep the placement under review for as long as the requirement remains in effect and must decide following each review meeting as to whether the requirement should continue to have effect and, if so, for what period of time.
- The governing board must give written notification of their decision as to whether the requirement to continue the placement should continue and if so, for what period of time including the reasons for it to the parent no later than six days after the date of the review meeting.

Prior to any off-site direction, the home school should be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multiagency support or any statutory assessments. It is also critical for information sharing to take place between the referring school and new school in all circumstances and in advance of the off-site direction to ensure the pupil is protected.

11 Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions.
- Use of pupil referral/support units, off-site directions and managed moves.
- Anonymous surveys of staff, pupils, governors/trustees and other stakeholders on their perceptions.

The data will be analysed every term and reported back to the Local Governing Committee or relevant sub-committee.

The data will be analysed from a variety of perspectives.

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

The Trust will work with its academies to consider this data, and to analyse whether there are patterns across the trust, recognising that numbers in any one academy may be too low to allow for meaningful statistical analysis.

Appendix 1: Independent review panel training

The Academy Trust must make sure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions on disciplinary grounds, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair and the clerk of a review panel.
- The duties of headteachers, governing boards and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.

Appendix 2: A note on off-rolling

‘Off-rolling’ is a form of gaming and occurs where a school makes the decision, in the interests of the school and not the pupil, to:

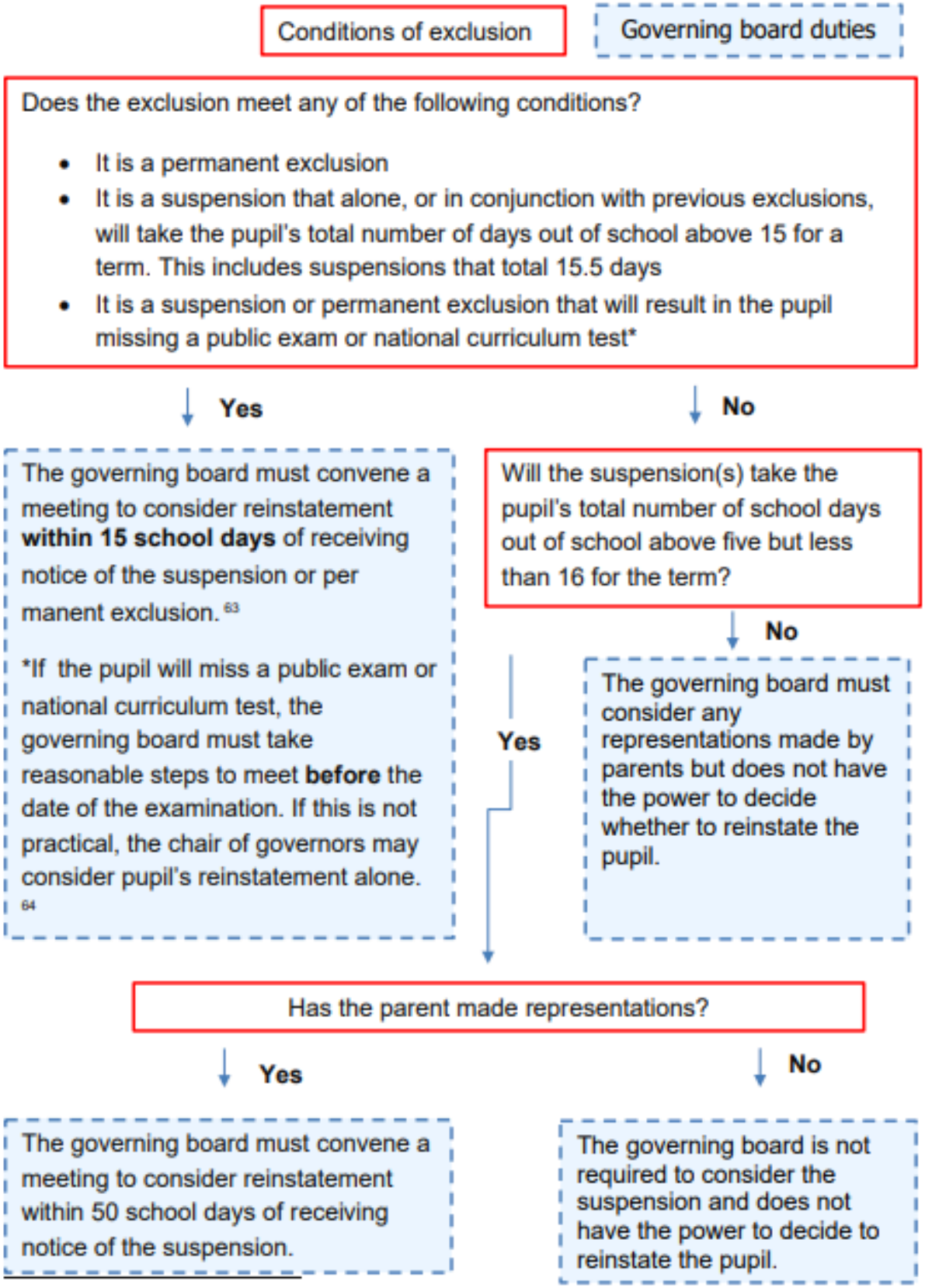
- Remove a pupil from the school roll without a formal, permanent exclusion, or
- Encourage a parent to remove their child from the school roll, or
- Encourage a sixth-form student not to continue with their course of study, or to select to study elsewhere.
- Retain a pupil on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension.

Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure contained in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a pupil’s poor academic performance, or
- Because the pupil hasn’t met a specific condition, such as attending a reintegration meeting.

If any pupil is suspended or excluded on the above grounds, this will also be considered as ‘off-rolling’.

Appendix 3: Flow chart

A summary of the governing board's duties to consider reinstatement[62]