



Abbey Multi Academy Trust Policies & Procedures

Suspension and exclusion policy

Supporting fair decisions about suspensions and exclusions in Abbey Trust schools

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1. Aims

Abbey Trust is committed to following all statutory exclusions procedures to make sure that every child receives an education in a safe and caring environment.

We have put this policy in place for all our schools to support fair, lawful and consistent handling of suspensions and exclusions, in line with DfE statutory guidance and each pupil's right to education.

Through this policy, Abbey Trust sets out how its schools should make, communicate and review suspension and exclusion decisions, including arrangements for education, governing board consideration, independent review and trust-wide monitoring.

It applies to every school within the Trust.

We aim to:

- Make sure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents/carers and pupils understand the exclusions process
- Make sure that pupils in our schools are safe and happy
- Prevent pupils from becoming NEET (not in education, employment or training)
- Make sure all suspensions and permanent exclusions are carried out lawfully

A note on off-rolling

'Off-rolling' is a form of gaming and occurs where a school decides, in the interests of the school and not the pupil, to:

- Remove a pupil from the school admission register without a formal, permanent exclusion, or
- Encourage a parent/carer to remove their child from the school, or
- Encourage a sixth-form student in a school with sixth form provision not to continue with their course of study, or
- Retain a pupil on the school admission register but not allow them to attend the school normally, without a formal permanent exclusion or suspension, or
- Move a pupil to alternative provision (AP) where this is not in their best interests, or
- Send a pupil home without formally recording a suspension regardless of whether it occurs with the agreement of parents/carers, or
- Place a pupil on a part-time timetable for behavioural reasons
- Remove a pupil from the school roll without following due process

Accordingly, our schools will not suspend or permanently exclude a pupil unlawfully by telling or forcing them to leave, encouraging their parent(s)/carer(s)

to remove them from the school, 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 permanently excluded on the above grounds, this will also be considered as 'off-rolling'.

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education (DfE): [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#).

It is based on the following legislation, which outlines schools' powers to suspend and permanently 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](#)

- <https://www.legislation.gov.uk/ukpga/2014/6/contents> The Inspection information for state-funded schools, which defines 'off-rolling'

This policy complies with our Trust's funding agreement and articles of association, and with statutory regulations applying to academies in relation to exclusions and off-site direction.

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'.

Permanent exclusion: when a pupil is removed from the school permanently and taken off the school admission register.

Off-site direction: when the local governing board of the school requires a pupil to attend another education setting temporarily, to improve their behaviour.

Parent/carer: 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/carers and the admission authority for the new school, should consent before a managed move occurs. Managed moves cannot be used on a trial basis.

Cancelled exclusion: an exclusion that has been cancelled before the local governing board has met to consider whether the pupil should be reinstated.

4. Roles and responsibilities

4.1 The headteacher

Deciding whether to suspend or permanently exclude

Only the headteacher, 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.

A decision to **suspend** a pupil will be taken only:

- In accordance with the school's behaviour policy
- To provide a clear signal of what is unacceptable behaviour
- To show a pupil that their current behaviour is putting them at risk of permanent 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 headteacher will ensure that the school maintains a reliable record of the total number of suspension days accumulated by each pupil during the academic year. This will include any suspensions imposed by another school during the same academic year, where the school is aware of them, so that the 45-school-day limit is not exceeded.

Where suspensions have become a regular occurrence, the headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

A decision to **permanently 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 the pupil or of others such as staff or pupils in the school

In making any decision to suspend or permanently exclude a pupil, the headteacher must act in accordance with the DfE statutory guidance and ensure that the decision is lawful, reasonable, fair and proportionate.

Before deciding whether to suspend or permanently 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 was/were provoked
- Allow the pupil to give their version of events considering these in light of their age and understanding, unless it would not be appropriate to do so.
- Consider the views of the pupil, in light of their age and understanding, before deciding to suspend or permanently 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/carer or social worker.
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC) or a previously looked-after child)
- Consider whether all alternative solutions have been explored, such as:
 - For suspensions: detentions or other sanctions provided for in the school's behaviour policy
 - For exclusions: off-site direction (for temporary placements) or managed moves (which are permanent and not used as trial placements)

Considering alternatives: off-site direction and managed moves

When considering off-site direction, the school complies with the Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026, and has regard to the Arranging alternative provision: a guide for local authorities and schools.

Before directing a pupil off-site or agreeing a managed move, the school will:

- Ensure the pupil's views are sought and considered
- Be able to evidence that appropriate interventions have already been implemented
- Share relevant information with the receiving setting and the local authority (LA), including attainment data, risk assessments and support strategies

Where a managed move is being considered for a pupil with a social worker, the school will inform, at the earliest opportunity:

- The social worker
- The DSL
- Parents/carers (unless this would create a safeguarding risk)
- For looked after children: the virtual school head (VSH)

If it is decided that a managed move is in the pupil's best interests, the original school and new school will work together to make sure that any personal education plan (PEP) that the pupil has is reviewed and amended to reflect the move.

Where a managed move is considered but is refused by a parent/carer, the school will continue to follow the principles set out in the off-rolling section at the start of this policy. A pupil must not be suspended or permanently excluded simply because a parent/carer does not agree to a managed move.

Pupils with additional needs and vulnerabilities

The headteacher will consider what extra support may be available for vulnerable pupil groups whose suspension and exclusion rates are higher, to reduce their risk of suspension or exclusion.

Where there are concerns about the behaviour, or risk of suspension or permanent exclusion, of a pupil with SEN, a disability or an education, health and care (EHC) plan, the school will, in partnership with others (including where relevant, the LA), consider what additional support or alternative placement may be required. This will involve assessing the suitability of provision for the pupil's SEN or disability.

Where a pupil has an EHC plan, the school will contact the LA 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 the pupil.

Safeguarding and criminal investigations

If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil, or if a pupil has been reinstated to the school, it is likely that complex and difficult decisions will need to be made. These decisions will be made alongside the school's safeguarding duties and its duty to provide an education.

Where a police investigation or criminal proceedings are underway, this will not automatically delay a decision about suspension or permanent exclusion.

The headteacher will consider the available evidence carefully and, where evidence is limited by an ongoing investigation, ensure that any decision is fair, reasonable and consistent with the school's safeguarding duties.

Deciding whether to temporarily remove a pupil from the school site for safeguarding reasons

In exceptional circumstances, the headteacher may decide to temporarily prevent a pupil from attending the school site for safeguarding reasons. This is not an exclusion on disciplinary grounds.

This measure will only be used when:

- It is necessary to separate pupils to ensure safety, and
- There is no reasonable alternative that would allow all pupils to remain on site

Decisions will be made on a case-by-case basis, led by the designated safeguarding lead (DSL) and informed by multi-agency working where appropriate (e.g. children's social care or the police).

Where this measure is used, the school will:

- Inform parents/carers without delay, including the reasons for the decision
- Notify the local governing board without delay
- Provide work for the pupil to complete at home, or work with the LA to ensure suitable education is arranged
- Support the pupil's reintegration, as soon as it is safe to do so

Informing parents/carers (or the pupil where they are 18 or older)

If a pupil is at risk of suspension or exclusion, the headteacher will inform the parents/carers/pupil 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 permanently exclude a pupil, the parents/carers/pupil will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents/carers/pupil will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about the parents'/carers'/pupil's right to make representations about the suspension or permanent exclusion to the governing board and, where the pupil is attending alongside parents/carers, how they may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents/carers/the pupil have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That parents/carers/the pupil have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the pupil is of compulsory school age, the headteacher will also notify parents/carers 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 the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents/carers 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/carers may be given a fixed penalty notice or prosecuted if they fail to do this

If alternative provision is being arranged to improve behaviour, the written notification will include:

- The start date for any provision of full-time education that has been arranged
- The address at which the provision will take place
- The name of the person the pupil should report to on arrival
- The duration of the placement
- The reasons for, and objectives of, the placement
- The start and finish times of any such provision
- Where 2 sessions per day are provided:
 - What time the morning session starts
 - What time the afternoon session ends
 - What time the break between them starts and ends

- Where a single session per day is provided:
 - What time the session starts and ends

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'/carers' consent.

If the headteacher cancels the suspension or permanent exclusion, they will notify the parents/carers/pupil without delay, and provide a reason for the cancellation.

Informing the local governing board

The headteacher will, without delay, notify the local governing board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion that 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 that would result in the pupil missing a National Curriculum test or public exam
- Any suspension or permanent exclusion that has been cancelled, including the reason 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.

The headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

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 so they can 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.

Where a looked-after child is at risk of suspension or permanent exclusion, the school will consider:

- How effectively the current personal education plan (PEP) is being implemented, and
- Whether an interim review of the PEP needs to take place
- How the school is using Pupil Premium Plus

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 pupil's ability to sit a National Curriculum test or public exam (where relevant)
- They have decided to cancel a suspension or permanent exclusion, and why (where relevant)

The social worker/VSH will be invited to any meeting of the local governing board 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.

Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the local governing board. Where there is a cancellation:

- The parents/carers (or the pupil if they are 18 or older), local governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- The notification must provide the reason for the cancellation
- The local governing board's duty to hold a meeting and consider reinstatement ceases
- Parents/carers (or the pupil if they are 18 or older) will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay
- The pupil will be allowed back in school 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 exclusion

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 may be used for this. If the pupil has a special educational need or disability (SEND), 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 board

Considering suspensions and permanent exclusions

Responsibilities regarding exclusions are delegated to a disciplinary panel of the school's local governing board in line with the Trust's Scheme of Delegation. The membership of a disciplinary panel will be determined in accordance with the Scheme of Delegation and will be constituted appropriately to the matter under review

The local governing board has a duty to consider parents'/carers'/the pupil's (if they are 18 or older) 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.

Within 14 days of receiving a request, the local governing board 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 board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

In arranging sixth-day provision, the local governing board will consider whether the location of the provision is reasonably accessible for the pupil and what travel arrangements are necessary to support the pupil's attendance.

In the Trust's secondary schools, the local governing board 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 board will review, 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 board will:

- Closely scrutinise patterns of all pupil movement, including suspensions, permanent exclusions, off-site direction and managed moves
- Ensure these measures are only used as a last resort
- Review any use of separation from site for safeguarding purposes
- Challenge the school's leadership team to identify and address emerging trends

The local governing board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- 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
- The timing of moves and permanent exclusions, and whether there are any patterns, including any indications that may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and whether pupils who share any particular characteristic are suspended or permanently excluded more than others

- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure the school that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site

Performance data and benchmarking

Governors will hold leaders to account and make informed decisions. To enable them to do so, they'll make use of performance data in the following areas:

- Pupil numbers, attendance and exclusions
- Attainment and progress
- Curriculum planning and class sizes
- Financial management and governance
- Quality assurance
- Safeguarding and wellbeing
- The school community, including staff, pupils, parents/carers and the governing board

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 looked after 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 board's disciplinary panel 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 that 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, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the local governing board's disciplinary panel must consider any representations made by parents/carers / the pupil (if they are 18 or older). However, it is not required to arrange a meeting with parents/carers/the pupil and it cannot direct the headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents/carers/pupil make representations to the board, the local governing board's disciplinary panel will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents/carers/pupil do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the local governing board's disciplinary panel 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 board's chair or vice chair may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

Where a meeting is required, the following parties will be invited to a meeting of the local governing board's disciplinary panel and allowed to make representations or share information:

- Parents/carers, or the pupil if they are 18 or older (and, where requested, a representative or friend)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

The meeting can be held remotely at the request of parents/carers, or pupils if they are 18 or older. See section 9 for more details on remote access to meetings.

The local governing board 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 board's disciplinary panel can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, the local governing board's disciplinary panel 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 governing board

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

The clerk to the panel will be present when the decision is made. 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 board's disciplinary panel will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents/carers, 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 board's disciplinary panel 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'/carers'/the pupil's (if they are 18 or older) 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 board's decision is given to parents/carers)
- 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/carers/the pupil have a right to require the 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/carers/the pupil for this appointment
- That parents/carers/the pupil must make clear if they wish for an SEN expert to be appointed in any application for a review

- That parents/carers/the pupil may, at their own expense, appoint someone to make written and/or oral representations to the panel
- That, if parents/carers/the pupil 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. Independent review

6.1 Applying for an independent review

If parents/carers, or the pupil if they are 18 or older, apply within the legal timeframe, the Trust will arrange for an independent review panel to review the local governing board's decision not to reinstate a permanently excluded pupil.

An application must be made within 15 school days of the local governing board's decision notice. Where a discrimination claim under the Equality Act 2010 has been made, an application may instead be made within 15 school days of the final determination of that claim. Applications made outside the relevant timeframe will be rejected.

6.2 Panel arrangements and participation

The Trust will arrange a panel of three or five members. Membership will include a lay chair, a current or former governor, and a headteacher or former headteacher. A panel of five will include two governor members and two headteacher or former headteacher members.

The Trust will invite relevant parties to attend and participate, including the family, school and local governing board representatives, and any relevant local authority representative, social worker, virtual school head, SEND expert or supporter.

The review will take place within 15 school days of the application being made. Reviews may be held remotely at the request of parents/carers, or the pupil if they are 18 or older. See section 9 for more details on remote access to meetings.

6.3 Panel decision

After considering the case, the independent review panel will decide whether to:

- Uphold the local governing board's decision
- Recommend that the local governing board reconsiders reinstatement

- Quash the local governing board's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed based on the relevant principles)

6.4 Notification of the outcome

The panel will notify all parties of its decision in writing without delay.

The written 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 board does not subsequently decide to offer to reinstate the pupil within 10 school days
- Any information that the panel has directed the local governing board to place on the pupil's educational record

Further details on independent review panel administration are set out in Appendix 2.

6.5 Reconsidering reinstatement following independent review

Where an independent review panel directs or recommends reconsideration, the local governing board will reconsider its decision within 10 school days of receiving the panel's decision.

The local governing board will then notify the parents/carers or pupil, headteacher and local authority of its reconsidered decision and reasons.

If the panel directs reconsideration and reinstatement is not offered, the school must make a financial adjustment payment to the local authority.

If the panel only recommends reconsideration, no financial adjustment will be made if reinstatement is not offered. If reinstatement is offered but declined by parents/carers or the pupil, no adjustment will be made.

7. School registers

7.1 Removing a pupil from the admission register

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

- 15 school days have passed since the parents/carers/pupil (if they are 18 or older) were notified of the local governing board's decision to not reinstate the pupil, and no application has been made for an independent review panel, or
- The parents/carers/pupil 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 board 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 (of an approved educational activity that does not involve the pupil being registered at any other school) has been made for an excluded pupil and they attend it, code B (education off-site) will be used on the attendance register. During off-site direction to another school or educational establishment, code D (dual registration) will be used.

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

A pupil will be registered at 1 school only. Where a managed move is agreed, the pupil's name will be removed from the admission register when the move becomes permanent. Where a pupil attends off-site provision, the original school retains responsibility for the pupil's registration unless and until a permanent move is agreed.

7.2 Making a return to the local authority

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 and address
- The full name and address of any parent/carers with whom the pupil normally resides
- At least 1 telephone number at which any parent/carers 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/carers 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/carers the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents/carers have informed the school that the pupil is moving house

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

8. Returning from a suspension, off-site direction or separation for safeguarding purposes

8.1 Reintegration strategy

Following suspension, period of off-site direction, separation for safeguarding purposes, or cancelled suspension or exclusion, 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 are examples of measures that may be implemented, as part of the strategy, to ensure a successful reintegration into school life for the pupil:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Daily contact in school with a designated pastoral professional
- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the pupil and parents/carers to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents/carers and staff of potential external support

Part-time timetables will not be used as a tool to manage behaviour and, if used, 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/carers and other relevant parties.

8.2 Reintegration meetings

The school will clearly 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/carers, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

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

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

9. Remote access to meetings

Parents/carers, or pupils if they are 18 or older, can request that a local governing board meeting, or independent review panel be held remotely. If the parents/carers/pupil don't express a preference, the meeting will be held in person.

Requests for remote meetings may be refused where, following a risk assessment, it is considered that a remote format would not allow the meeting to be conducted fairly, transparently, or with full participation due to safeguarding reasons.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

The local governing board and the Trust should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology that will allow them to hear, speak, see and be seen
- All the participants will be able participate fully
- The remote meeting can be held fairly and transparently

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently

10. Monitoring arrangements

10.1 Data collection and analysis

The school will collect data on the following:

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

Data will be analysed termly from a variety of perspectives including:

- At school level

- By age group
- By time of day/week/term
- By protected characteristic

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.

10.2 Trust-level oversight

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.

10.3 Policy review and approval

This policy will be reviewed by the Trust annually. At every review, the policy will be approved by the Trust Board (or relevant committee where delegated) and then shared with the local governing board of each school within the Trust.

11. Links with other policies

This policy is linked to the following school policies:

- Behaviour policy
- SEND policy
- SEN information report

Appendix 1: Training for the independent review panel

The Trust must make sure that all members of an independent review panel and clerks/governance professionals 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/governance professional 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: Independent review panel administration

The Trust will arrange and administer any independent review panel required following a permanent exclusion in accordance with statutory requirements.

This will include constituting an independent review panel of three or five members that represent the following categories:

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity
- A current or former school governor who has served for at least 12 consecutive months in the last 5 years
- A headteacher or individual who has been a headteacher within the last 5 years

A panel of 5 will include 2 governor members and 2 headteacher or former headteacher members.

All panel members and any clerk or governance professional must have received the required training within the previous 2 years.

Panel independence and eligibility

A person must not serve on the panel if they are a trustee/director, employee, governor or headteacher of the excluding school or Trust, or have held the headteacher role at the excluding school within the previous 5 years.

A person must also not serve if they have any current or past connection with the Trust, school, local governing board, parents/carers, pupil or incident that could reasonably raise doubts about their impartiality.

Who should be invited to participate

The Trust will invite the following people to attend and participate in the review, where relevant:

- Parents/carers, or the pupil if they are 18 or older
- The pupil, taking account of their age and understanding, and with support to give their views where needed
- The headteacher and a representative of the local governing board
- A representative of the local authority, where invited
- The pupil's social worker, if they have one
- The virtual school head, if the pupil is looked after
- An independent SEND expert, where requested in the review application
- Any representative or friend supporting the parents/carers or pupil, subject to reasonable limits

The review may proceed if an invited person does not attend, provided the panel is satisfied that reasonable steps have been taken to enable participation and the review can be conducted fairly.

Roles and remit of participants

Virtual school head: where the pupil is looked after, the VSH may make representations about how the child's background, education and safeguarding needs were considered before the permanent exclusion and how those matters are relevant to the review.

Social worker: where the pupil has a social worker, the social worker may make representations about the pupil's experiences, needs, safeguarding risks and welfare, and how these may be relevant to the permanent exclusion.

Local authority: where invited by the Trust, the local authority may attend to provide relevant information about its responsibilities, including arrangements for education following a permanent exclusion and any wider local authority involvement with the pupil.

SEND expert: where requested, the SEND expert provides impartial advice to the panel about how SEND may be relevant to the permanent exclusion. The SEND expert does not assess the pupil's SEND and does not decide the outcome of the review.

Clerk or governance professional: the clerk or governance professional supports the administration of the review, advises the panel and parties on procedure, law and statutory guidance, supports fair participation and ensures an accurate record is kept.

Appointment of the SEND expert

If requested in the application for review, the Trust will appoint and meet the cost of an independent SEND expert to advise the panel. This right applies whether or not the school recognises that the pupil has SEND.

The Trust will take reasonable steps to appoint someone who is suitably qualified, independent and acceptable to parents/carers. The SEND expert must have first-hand experience of assessing and supporting SEND and an understanding of schools' legal duties in relation to SEND.

A SEND expert must not have any connection with the Trust, school, pupil, parents/carers or incident that could reasonably call their impartiality into question. Previous local authority employment or contracting will not automatically prevent appointment, provided there has been no previous involvement with the pupil's SEND support or assessment.

The SEND expert has a role similar to an expert witness, providing (orally and/or written) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the pupil's SEND.

The SEND expert's advice will focus on whether the school's SEND-related policies and actions were lawful, reasonable and procedurally fair, and whether any SEND-related issue may have contributed to the circumstances of the exclusion.

The SEND expert will not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach

Clerking and administration

The Trust will appoint a clerk or governance professional to support the independent review panel, or will make alternative arrangements to ensure the same administrative functions are carried out.

The clerk or governance professional must be independent of the original local governing board decision and must not have acted as clerk to the meeting at which reinstatement was refused.

The clerk or governance professional will advise the panel and parties on procedure, law and statutory guidance, support fair participation and ensure an accurate record is kept.

Key duties of the independent review panel

The panel's role is to review the local governing board's decision not to reinstate the pupil. It will consider the pupil's interests and circumstances, the circumstances of the exclusion, and the interests of other pupils and staff.

The panel will decide whether to:

- Uphold the decision
- Recommend that the local governing board reconsiders reinstatement
- Quash the decision and direct that the local governing board reconsiders reinstatement

The panel will apply the civil standard of proof and must act fairly, independently and in line with statutory guidance. Its decision will be made by majority vote and is binding on the pupil, parents/carers, local governing board, headteacher and local authority.

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 board 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 board 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 board 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 board reconsider reinstatement.

Appendix 2: Flowchart for local governing boards reviewing the headteacher's suspension or exclusion decision

