



Suspensions and Exclusions policy

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Statement of intent

ACE Derbyshire Trust is committed to ensuring a consistent, fair and transparent approach to suspensions and exclusions across all its schools. While recognising the unique context of each setting, the Trust expects all schools to apply this policy with fidelity to statutory guidance and in a way that promotes equity for all pupils. Decision-making will be underpinned by a shared commitment to proportionality, safeguarding, and inclusive practice, ensuring that similar circumstances are treated consistently and that all pupils are afforded the same high standards of support, consideration and due process.

At ACE Derbyshire Trust, our schools understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the Trust recognises that suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending or excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding pupils should only be used as a means of last resort.

The Trust has created this policy to clearly define the legal responsibilities of the Trust, headteacher, Local Governing Committee and LA when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

A **"suspension"** is defined as the temporary removal of a pupil from the school for behaviour management purposes. 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.

An **"exclusion"** is defined as the permanent removal of a pupil from the school, 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 pupils or staff in the school.

1. Legal framework

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

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023
- The European Convention on Human Rights (ECHR)
- Children's Wellbeing and Schools Act 2026

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE 'Behaviour in Schools'
- DfE 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE 'Mental health and behaviour in schools'

This policy operates in conjunction with the following school policies:

- Behaviour Policy
- Anti-bullying Policy
- Pupil Code of Conduct
- Special Educational Needs and Disabilities (SEND) Policy
- Social, Emotional and Mental Health (SEMH) Policy
- Child Protection and Safeguarding Policy

2. Roles and responsibilities

The LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing pupils' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.
- Arranging the hearing without delay at a time, date and venue convenient for all parties.
- Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

The trust is responsible for:

- Arranging for an independent review panel hearing to review the decision of the Local Governing Committee not to reinstate a permanently excluded pupil where required.
- Arranging for the independent review panel hearing to be held via remote access where requested by parents or excluded pupils aged 18 and above.

The Local Governing Committee is responsible for:

- Providing information to the Secretary of State and LA about any suspensions and exclusions within the last 12 months.
- Arranging suitable full-time education for any pupil of compulsory school age who is suspended, where required.
- Considering parents' representations about suspensions and exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where a suspension or exclusion would result in a pupil missing a public examination or test, considering the suspension or exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Arranging for the representation meeting to take place via remote access where requested by parents or excluded pupils aged 18 and over.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Considering the interests and circumstances of the suspended or excluded pupil, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the school.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or exclusion.
- Ensuring clear minutes are taken of the representation meeting.

- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's parents, the headteacher and the LA of its decision and the reasons for it, without delay.
- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the suspensions and exclusions review panel.
- Using data to evaluate the school's practices regarding intervention, suspension and exclusion.

The headteacher is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g. if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, those eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be suspended or excluded on disciplinary grounds.
- Adhering to their responsibilities when cancelling an exclusion before the Local Governing Committee has met to consider whether the pupil should be reinstated. Withdrawing any suspensions or exclusions that have not been reviewed by the Local Governing Committee, where appropriate.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a pupil.

- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension or exclusion.
- Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a pupil's parents without delay where the decision is taken to suspend or exclude the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the governor responsible and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the Local Governing Committee once per term of any exclusions in the headteacher's report to governors.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged.
- **Summary of roles and responsibilities**
- **Headteacher:**
Responsible for decisions to suspend or exclude pupils, ensuring they are lawful, fair, proportionate, and in line with statutory guidance.
- **Local Governing Committee (LGC):**
Provides oversight and challenge, considers representations, and reviews decisions regarding suspensions and exclusions.
- **Trust:**
Ensures policy consistency across schools and arranges independent review panels where required.
- **Local Authority (LA):**
Supports compliance with statutory duties, arranges education for permanently excluded pupils, and oversees independent review processes.
- **Designated Safeguarding Lead (DSL):**
Leads decisions relating to safeguarding, including any use of separation for safeguarding purposes.
- **Staff:**
Implement the behaviour policy consistently, raise concerns, and support preventative and inclusive approaches.

3. Grounds for suspension or exclusion

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

The following examples of behaviour may warrant the decision to suspend or exclude a pupil:

- 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
- Bullying
- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse
- Possession, use or distribution of drugs or alcohol

Pupils can be suspended on a fixed-period basis, i.e. for up to 45 school days within a year, or permanently excluded. Similarly, pupils can be permanently excluded following a suspension, where further evidence is presented. In all cases, the headteacher will decide whether a pupil will be subject to a suspension or an exclusion, depending on what the circumstances warrant.

4. The headteacher's power to suspend and exclude

Only the headteacher has the power to suspend or exclude a pupil from the school, and is able to decide whether either a suspension or exclusion is appropriate. All suspensions and exclusions will only be issued on disciplinary grounds.

The headteacher is able to suspend pupils where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day. The headteacher is also able to consider a pupil's disruptive behaviour outside of the school premises as grounds for suspension or exclusion, in accordance with the school's Behaviour Policy.

When sending a pupil home following any suspension or exclusion, the headteacher will ensure that they exercise their duty of care at all times and will always inform the parents.

Any decision made to suspend or exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the school's wider legal duties, including the ECHR. At all times, the headteacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds and will not increase the severity of a pupil's suspension or exclusion on these grounds.

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

The headteacher may cancel any suspension or exclusion that has already begun, or one that has not yet begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the Local Governing Committee.

Where a suspension or exclusion is cancelled, the headteacher will notify the pupil's parents, the Local Governing Committee, the LA, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The notification will also provide the reason for the cancellation.

The headteacher will offer the pupil's parents the opportunity to meet with the headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school without delay.

When a suspension or exclusion is cancelled, the Local Governing Committee's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.

Any days spent out of school as a result of a suspension or exclusion prior to it being cancelled will count towards the maximum 45 school days that a pupil can be suspended or excluded in an academic year. A permanent exclusion will not be cancelled if the pupil has already been suspended or excluded for more than 45 school days in an academic year or if they will have been so by the time the cancellation takes effect.

The headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the Local Governing Committee once per term, to allow the Local Governing Committee to have appropriate oversight.

The headteacher will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g. sending a pupil home to 'cool off', regardless of whether the parents have agreed to this. The headteacher will not use the threat of suspension or exclusion as a means of instructing parents to remove their child from the premises.

All suspensions and exclusions will be formally recorded on the Arbor and My Concern and the Trust Leader must be informed.

5. Factors to consider when suspending or excluding a pupil

When considering the suspension or exclusion of a pupil, the headteacher will:

- Allow the pupil the opportunity to present their case once evidence has been collected.
- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction.
- Take into consideration whether all alternative solutions have been explored pursuant to the school's Behaviour policy.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.

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, including the following:

- LAC
- Pupils eligible for FSM
- Pupils with SEND
- Certain ethnic groups

The headteacher will consider avoiding excluding LAC, those with SEMH issues or pupils with an EHC plan. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the headteacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities.

Where a pupil has an EHC Plan the headteacher will consider whether to request an emergency review for a pupil with an EHCP at risk of suspension.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's Behaviour Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered. In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be suspended or excluded before the graduated response process has been completed.

Where a pupil with SEND or SEMH issues is excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination.

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

6. Separation of pupils for safeguarding purposes

In exceptional circumstances, the school may temporarily prevent a pupil from attending the school site for safeguarding reasons. This may be necessary where allegations or concerns relating to the safety or welfare of pupils require one or more pupils to be separated while risks are assessed and managed.

The use of separation from the school site for safeguarding purposes will always be exceptional, time-limited and subject to robust oversight. Clear rationale and risk assessment will be recorded for each decision, including why alternative arrangements within the school are not appropriate.

All cases will be:

- **Reviewed regularly** (at agreed intervals) to ensure the arrangement remains necessary and proportionate
- **Overseen by senior leaders**, including the DSL, with escalation to the Trust where appropriate
- **Reported to the Local Governing Committee** to provide appropriate challenge and scrutiny

The school will ensure that this measure is not used as a substitute for suspension, exclusion, or behaviour management, and that safeguarding separation is only applied where there is a demonstrable and immediate risk to welfare that cannot be managed in any other way.

Any decision to temporarily prevent a pupil from attending the school site for safeguarding reasons will not be treated as a suspension or permanent exclusion and will not be recorded as such.

Such decisions will be made on a case-by-case basis, led by the DSL or a deputy, and informed by professional judgement, relevant safeguarding guidance and, where appropriate, advice from external agencies such as children's social care or the police.

The school will inform parents of the reasons for the arrangement as soon as reasonably practicable and will notify the Local Governor Committee and CEO without delay. The LGC will ensure that this measure is used only in exceptional circumstances where separation is necessary and cannot reasonably be achieved while allowing all pupils to remain on the school site.

In making any decision to separate pupils for safeguarding purposes, the school will have regard to its duties under safeguarding legislation and guidance, including Keeping Children Safe in Education, the Human Rights Act 1998 and the Equality Act 2010.

Where a pupil is unable to attend the school site for safeguarding reasons, the school will work with the LA, parents and other relevant agencies to ensure that suitable education is arranged in accordance with statutory requirements.

7. Alternative measures

Before taking a final decision to exclude, the headteacher will consider whether it is in the best interests of all parties to initiate off-site directions or managed moves as preventative measures to exclusion.

Off-site direction

The school will consider the use of off-site direction where interventions and targeted support have not been successful in improving a pupil's behaviour. Off-site direction will be used to arrange a time-limited placement at alternative provision or another mainstream school, with the aim of supporting behavioural improvement and successful reintegration.

Where a pupil attends another school under an off-site direction arrangement, the school will ensure that attendance is recorded in accordance with statutory requirements, including the use of the appropriate attendance code.

Where appropriate, the school will prioritise in-school interventions and targeted support, including support from alternative provision providers, to meet a pupil's individual behavioural, educational or SEND needs before considering an off-site placement.

Offsite direction may be arranged on a full-time basis or as part of a blended provision combining attendance at alternative provision with continued attendance at the school. Before any placement begins, the school will agree a proposed maximum duration and will consider future options, including reintegration arrangements or, where appropriate, a managed move following review of the placement.

The LGC will comply with all relevant legislation and statutory guidance relating to off-site direction and alternative provision arrangements.

The LGC will ensure that all off-site direction arrangements have clear objectives, specified timescales and appropriate monitoring arrangements. Parents, carers and, where applicable, the LA for pupils with an EHC Plan, will be notified in writing of the placement as soon as reasonably practicable and no later than two school days before the placement begins.

Written notification will include:

- The address where the educational provision will be delivered.
- The name of the person to whom the pupil will report on first attendance.
- The duration of the placement.
- The reasons for, and objectives of, imposing the requirement.
- Details of the daily timetable, including session times and breaks where applicable.

Parents, and, where applicable, the LA for pupils with an EHC Plan, will be entitled to request a review meeting in writing. The LGC will arrange such a meeting as soon as reasonably practicable unless a review has already taken place within the previous ten weeks.

The LGC will keep the placement and reintegration arrangements under regular review for the duration of the off-site direction. Review meetings will take place at intervals determined by the needs of the pupil. Written invitations to attend review meetings, or to submit written views, will be issued to parents, carers and, where applicable, the LA at least six days before the meeting. The school will seek to arrange review meetings at a date and time that is reasonably convenient for those invited to attend.

Following each review meeting, the LGC will determine whether the placement should continue and, if so, for how long. Review arrangements, including the date of the next review and the individuals who should be involved, will be agreed and recorded.

Review meetings may involve the pupil, parents, school staff and relevant agencies, including social workers, Child and Adolescent Mental Health Services (CAMHS), Multi-Agency

Safeguarding Hubs, and the LA where appropriate. The school will maintain written records of all reviews and ensure that reviews take place frequently enough to assess whether the placement is achieving its intended outcomes.

The LGC will notify parents in writing of its decision following each review meeting, including whether the placement will continue, the duration of any continuation and the reasons for the decision. This notification will be issued no later than six days after the review meeting.

Throughout any period of off-site direction, the school will seek to ensure that the pupil continues to receive a broad and balanced curriculum while interventions are delivered to address behavioural concerns. Where a pupil has a disability or special educational needs, the school will continue to fulfil its duties under the Equality Act 2010 and the Children and Families Act 2014, including making reasonable adjustments and providing appropriate support.

The duration of any off-site placement will be determined by the individual needs of the pupil and the extent to which the placement supports positive behavioural outcomes.

Before any off-site direction begins, the school and the receiving school will ensure that all relevant information is shared, including attainment information, assessment data, risk assessments, safeguarding information and effective support strategies. The LA will also be involved where appropriate.

The school will ensure it can demonstrate that appropriate early intervention and support have been implemented before an off-site direction is arranged. This may include multi-agency involvement, targeted interventions and relevant statutory assessments. Effective information sharing between the school, the receiving school and other relevant agencies will take place before the placement begins to ensure that the pupil's welfare, safety and educational needs are fully supported.

Managed moves

Where it is thought to be in a pupil's best interest to transfer them to another mainstream school permanently, the headteacher and LGC will discuss this with the parents of the pupil, and the LA if the pupil has an EHC plan. Managed moves will only go ahead with the voluntary agreement of all parties involved, including the parents and the admission authority of the new school.

A managed move is a permanent transfer to another mainstream school as part of a planned intervention and will only be used where it is considered to be in the pupil's best interests.

The school will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. This may include evidence of multi-agency support and any relevant statutory assessments where appropriate.

The school will participate in information sharing with the pupil's new school, including sending data on prior and current attainment, academic potential and any risk management strategies. Information sharing will also include safeguarding information, current risk assessments and advice on effective ongoing risk management and pupil support strategies where appropriate.

The school will also cooperate with the pupil's new school to create an effective integration strategy.

Where a pupil has an EHC plan, the school will liaise with the LA before a managed move is agreed and will follow the relevant statutory procedures for amending the plan where required.

The school will not use trial managed moves. Where a temporary placement at another school is required to support a pupil's behaviour, this will be arranged through off-site direction.

Parents who have concerns that a managed move is being forced on them or who are unhappy with a managed move will be referred to the Complaints Policy and Procedure.

The school will not permanently exclude a pupil because a parent or pupil refuses to agree to a managed move.

8. Duty to inform the Local Governing Committee and LA

The headteacher will inform the Local Governing Committee, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the pupil)
- Any suspensions which would result in the pupil being suspended for more than 5 school days in a term (or more than 10 lunchtimes)
- Any suspensions or exclusions which would result in the pupil being absent from an examination or national curriculum test

For any suspensions and exclusions, other than those above, the headteacher will notify the Local Governing Committee once per term.

The headteacher will inform the LA and Trust Leader of all suspensions or exclusions, regardless of their length, without delay.

The headteacher must routinely report all suspensions and exclusions, regardless of length, to the local authority via Perspective; completing and submitting this return via Perspective is a statutory requirement, even in periods where there is a 'zero return'.

All notifications to the Local Governing Committee and LA will include the reasons for suspension or exclusion and the duration of any suspension.

If a pupil who is suspended or excluded lives outside the LA in which the school is located, the headteacher will notify the pupil's 'home authority'.

9. Duty to inform social workers and the virtual school head (VSH)

When a pupil has been suspended or excluded, the headteacher will, without delay, notify the pupil's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.

Social workers and/or the VSH will also be informed when a meeting of the Local Governing Committee is taking place, and will be invited to attend the meeting should they wish to do so.

Social workers and VSHs will be allowed to join a Local Governing Committee meeting or independent review panel via the use of remote access, as long as the arranging authority is

satisfied they will be able to participate effectively, they can hear and be heard throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent.

10. Arranging education for suspended and excluded pupils

For any suspensions of more than five school days, the Local Governing Committee will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of suspension. Where a pupil receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension. For exclusions, full-time education will be provided for the pupil from the sixth day of exclusion.

The Local Governing Committee will not arrange full-time education for any pupil who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.

The Local Governing Committee is aware that it is beneficial to suspended and excluded pupils to begin their alternative education arrangements before the sixth day of suspension or exclusion; therefore, the Local Governing Committee will always attempt to arrange alternative provision before the sixth day. Where it is not possible to arrange alternative provision during the first five days, the school will ensure that they take reasonable steps to set and mark work for the pupil.

If a pupil with SEND has been suspended or excluded, the Local Governing Committee will ensure that:

- Any alternative provision is arranged in consultation with the pupil's parents, who are able to request preferences.
- When identifying alternative provision, any EHC plan is reviewed or the pupil's needs are reassessed, in consultation with the pupil's parents.

11. Considering suspensions and exclusions

The Local Governing Committee will consider any representations made by parents regarding suspensions and exclusions.

Parents and, where requested, a friend or representative, the headteacher, and a member of the LA will be invited to attend any consideration of suspensions and exclusions and will be able to make representations.

Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits. Parents, and excluded pupils if they are over 18, will also be able to request that the meeting is held via remote access.

Where it is appropriate to the pupil's age and level of understanding, the pupil will also attend any consideration meeting, and will be enabled to make a representation on their own behalf if they desire to do so.

The Local Governing Committee will consider the reinstatement of a suspended or excluded pupil, where:

- The exclusion is permanent.
- The suspension is fixed period, and would bring the pupil's total number of suspended school days to more than 15 in any given term.
- The suspension or exclusion would result in the pupil missing a public examination.

In the case of a suspension where the pupil's total number of suspended days is more than 5 but less than 16 school days (this includes suspensions that exceed 15 school days by less than a whole day, e.g. one that totals 15.5 days) within a term, if parents make representations, the Local Governing Committee will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the Local Governing Committee will consider the reinstatement on their own.

Where a suspension will take a pupil's total number of school days out of school above five but less than 15 for the term, and parents have not requested a Local Governing Committee meeting, the Local Governing Committee will not be required to consider the pupil's reinstatement but it will have the power to do so if it deems it appropriate.

Where a suspension will not bring a pupil's total number of days of suspension or permanent exclusion to more than five days in a term, the Local Governing Committee will consider all representations made by parents; however, the Committee cannot direct the reinstatement of the pupil and it is not required to arrange a meeting with parents.

Where suspension or exclusion would result in a pupil missing a public examination, the Local Governing Committee will consider the suspension or exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of governors to consider the decision before the examination, a smaller sub-committee will consider the suspension or exclusion and decide whether or not to reinstate the pupil.

In light of the above, the Local Governing Committee will also consider whether it would be appropriate to allow the suspended or excluded pupil to enter the premises to take the examination.

When considering the reinstatement of a pupil, the Local Governing Committee will:

- Only discuss the suspension or exclusion with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow pupils and parents to be accompanied by a person of their choice to the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- Identify the steps needed to enable and encourage the suspended or excluded pupil to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the pupil, including the grounds for suspension or exclusion.

12. Reaching a decision

After considering suspensions and exclusions, the Local Governing Committee will either:

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

If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the Local Governing Committee will still consider whether the pupil should be officially reinstated, and whether the headteacher's decision to suspend or exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

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

To reach a decision, the Local Governing Committee will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the suspension or exclusion of the pupil was lawful, proportionate and fair, taking into account the headteacher's legal duties and any evidence that was presented to the Local Governing Committee in relation to the decision.
- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
- Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the pupil.

13. Notification of considered suspensions and exclusions

The Local Governing Committee will notify the parents of the suspended or excluded pupil, the headteacher, and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay.

In the case of exclusion, where the Local Governing Committee decides not to reinstate the pupil, they will notify the parents:

- That the exclusion is permanent.
- Of their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That a request to hold the meeting via remote access can be made and how to do this.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion.

- That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the Local Governing Committee to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

The Local Governing Committee will also notify parents that, if they believe a suspension or exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

After any conclusion, the Local Governing Committee will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

14. Removing excluded pupils from the school register

The headteacher will remove pupils from the school register if:

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

If an application for an independent panel review has been made within 15 school days, the headteacher will wait until the review has been determined, or abandoned, and until the Local Governing Committee has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.

If a pupil's name is to be removed from the register, the headteacher will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the pupil normally resides.
- The grounds upon which the pupil's name is to be removed from the register.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

15. Independent review panel

The Trust will review the Local Governing Committee's decision not to reinstate an excluded pupil if the parents submit their application for this within the required time frame.

The Trust will constitute 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

Parents are required to submit their applications within:

- 15 school days of the Local Governing Committee's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of the above timeframe will not be reviewed. Parents are able to request an independent panel review even if they did not make a case to, or attend, the Local Governing Committee's initial consideration of the exclusion.

Parents can request that independent review panels take place via remote access.

The Trust will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance.

16. Appointing a SEND expert

If requested by parents in their application for an independent review panel, the LA will appoint a SEND expert to attend the panel and covers the associated costs of this appointment. Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

The LA will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

An individual will not serve as a SEND expert if they have, or at any time have had, any connection with the LA, school, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the LA.

The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals include educational psychologists, specialist SEND teachers, SENCOs and behaviour support teachers.

Recently retired individuals are not precluded from fulfilling this role; however, during interview, the LA will assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the LA, they will not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The LA will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

The final decision on the appointment of a SEND expert is for the LA to make, but it will take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents a choice of SEND expert. In order to meet its duties within the statutory time frame, the LA will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.

The LA will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

17. The role of the SEND expert

The SEND expert's role is analogous 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 focus of the SEND expert's advice will be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the pupil's exclusion.

Where the school does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's 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.

18. Appointing a clerk

The Trust will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.

Where a clerk is appointed, the Trust will ensure that the clerk did not serve as clerk to the Local Governing Committee when the decision was made not to reinstate the pupil.

19. The role of the clerk

The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.

The clerk will:

- Identify, in advance of the meeting, whether the excluded pupil wishes to attend the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance.
- Identify, in advance of the meeting, whether any alleged victims of the incident leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.
- Ensure that the panel is able to hear from any witnesses to the incident leading to the exclusion, taking into account the fact that some of these people may be pupils at the school. Pupils under 18 will not be allowed to appear in person without parental consent.
- Inform the parents, headteacher and Local Governing Committee that they are entitled to make oral and written representations to the panel, attend the hearing, and be represented.
- Ensure that all parties are:
 - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
 - Informed about who is attending the meeting, and what their roles are.
- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.

Where a clerk is not appointed, the LA will undertake the functions outlined above.

20. The duties of the independent review panel

The role of the panel is to review the Local Governing Committee's decision not to reinstate an excluded pupil. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

Following the review, the panel will do one of the following:

- Uphold the decision
- Recommend that the Local Governing Committee reconsiders reinstatement
- Quash the decision and direct that the Local Governing Committee reconsiders reinstatement

The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents, Local Governing Committee, headteacher and LA.

21. Conducting Local Governing Committee meetings or independent review panels via remote access

Parents, or excluded pupils if they are 18 or older, will be able to request that governing board meetings or independent review panels are held via remote access; however, parents and pupils will be made aware that this is not the default option.

Where a parent or pupil makes a request correctly in line with instructions set out in the headteacher's or governing board's written notification, the Local Governing Committee or LA will hold the meeting via the use of remote access.

Remote meetings and panels will be held in accordance with timelines for face-to-face meetings.

Where a request for a meeting to be held via remote access is not made, or the parent or pupil does not state a preference, the meeting or panel will be held in person unless it is not practicable to do so.

If there is a reason related to extraordinary events or unforeseen circumstances, e.g. an outbreak of an infectious illness, which means it is not reasonable for a meeting or panel to be held in person, it may be held via remote access.

Meetings will only be held via remote access if the Local Governing Committee or LA is satisfied that the meeting can be held fairly and transparently. If this cannot be done, the governing board or LA will consult with the parent to discuss how a face-to-face meeting can be arranged that will be convenient for them.

If there are technological or internet issues during a remote meeting which compromises the ability for participants to be seen or heard or prevents the meeting from being held fairly and transparently and it is not reasonably practicable to resolve, a face-to-face meeting will be arranged without delay.

When holding meetings or panels via remote access, the Local Governing Committee LA will:

- Comply with relevant equalities legislation.
- Enable access to support which the parent is entitled to, including the presence of a friend.
- Confirm with all participants that they have access to the technology that will allow them to participate in the meeting or panel.
- Ensure all the participants will be able to put across their point of view and/or fulfil their function.
- Ensure the remote meeting or panel can be held fairly and transparently.

22. Reconsidering reinstatement following a review

Where the independent review panel **instructs** the Local Governing Committee to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

The school is aware that if, following an **instruction** to reconsider, the Local Governing Committee does not offer to reinstate the pupil, then the school will be required to make a payment of £4,000 directly to the LA area in which the school is located.

Where the independent review panel **recommends** that the Local Governing Committee should reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision. The school is aware that if, following a recommendation to reconsider, the Local Governing Committee does not offer to reinstate the pupil, it will not be subject to a financial adjustment. If, following reconsideration, the Local Governing Committee offers to reinstate the pupil but the parents decline, no adjustment will be made to the school's budget.

Following reconsideration, the Local Governing Committee will notify the parents, headteacher and LA of their reconsidered decision and the reasons for this.

23. Criminal investigations

The headteacher will not postpone taking a decision to suspend or exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.

Particular consideration will be given by the headteacher when deciding to suspend or exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the Local Governing Committee is required to consider the headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

24. Using data

Suspensions of any length and exclusions must be recorded on the school's electronic safeguarding recording platform (e.g., MyConcern / CPOMS). All information in relation to the pupil showing how the school has worked to prevent suspensions and exclusions must also be recorded on the platform (e.g., risk assessments, individual behaviour plans, reduced or part-time timetables, and multi-agency assessments).

The headteacher will ensure that all data regarding suspensions and exclusions is collected and provided to the Local Governing Committee/Trust on a termly basis. The Local Governing Committee/Trust will review this data regularly in order to:

- Consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- Gather information on pupils who are taken off the roll and those who are on the roll

but attending education off-site.

- Determine whether there are any patterns of suspensions and exclusions across the trust.
- Consider the effectiveness and consistency in implementing the Behaviour Policy.
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Understand the characteristics of suspended and excluded pupils and evaluate equality considerations.
- Gather information on where pupils are receiving repeat suspensions.
- Evaluate interventions in place to support pupils at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.
- Analyse 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.

25. Monitoring and review

This policy will be reviewed annually by the headteacher in conjunction with the Local Governing Committee

All members of staff will be required to familiarise themselves with this policy as part of their induction programme.

Flowchart for reviewing the headteacher's suspension or exclusion decision

