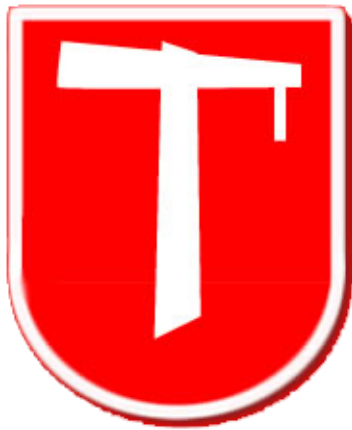


Offham Primary School



Suspension and Permanent Exclusion Policy

Date Reviewed: July 2026

Next Review Date: July 2027

AIMS

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

Our school aims to:

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

Off-rolling

‘Off-rolling’ is a form of gaming and occurs where a school makes the decision, in the interests of the

school and not the pupil, to:

- Remove a pupil from the school roll without a formal, permanent exclusion, or
- Encourage a parent/carer to remove their child from the school roll, or
- Retain a pupil on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension

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

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

If a parent feels pressured into electively home educating their child or that the suspension or permanent exclusion procedures have not been followed, they can follow the school’s complaints procedure with the governing board and in the case of a maintained school, the local authority.

Ofsted considers any evidence of off-rolling. Where evidence is found that pupils’ names have been removed from the school admission register without a formal permanent exclusion or that a school has encouraged parents to remove their child, and leaders have not taken sufficient action to address this, it may negatively affect the school’s leadership and governance evaluation.

LEGISLATION AND STATUTORY GUIDANCE

This policy is based on statutory guidance from the Department for Education: [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 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](#) ➤ [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

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

DEFINITIONS

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'. Maximum 45 days in an academic year.

Internal suspension - when a pupil is removed from the classroom for a fixed period.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Off-site direction – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behavior.

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

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

ROLES AND RESPONSIBILITIES

The Headteacher

Deciding whether to suspend or 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.

The government trusts headteachers to use their professional judgement based on the individual circumstances of the case when considering whether to exclude a pupil. The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion

- physical assault against a pupil
- physical assault against an adult
- verbal abuse or threatening behaviour against a pupil
- verbal abuse or threatening behaviour against an adult
- use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- bullying
- Racist abuse
- abuse against sexual orientation or gender reassignment
- abuse relating to disability

This list is not exhaustive and is intended to offer examples rather than be complete or definitive.

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
- Due to a pupil's poor academic performance
- Because the pupil hasn't met a specific condition, such as attending a reintegration meeting

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

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEN). In this case suspension/exclusion can still happen, but not due to the school feeling they cannot meet the need.
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a child in care)

- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves

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

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

The Headteacher will not reach their decision until they know the pupil's version of events, and will inform the pupil of how their views were taken into account when making the decision as far as they are able to do so.

Informing parents

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

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

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

- The reason(s) for the suspension or exclusion
- The length of the suspension
- For a permanent exclusion, the fact that it is permanent and Inform parents' about the right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this. Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend
- The Headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:
 - 1) For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason.
 - 2) Parents may be given a fixed penalty notice or prosecuted if they fail to do the above

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

- the Department's Guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found here

<https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>

- The local area SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions.

<https://councilfordisabledchildren.org.uk>

- Coram's Child Law Advice service can be found through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 10am – 4pm

- IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities

Alternative Provision and Off-Site Direction

The school may arrange alternative provision where it is considered necessary to support a pupil's educational, behavioural, SEND, or health needs. Any decision to use alternative provision will be based on a clear understanding of the support required to help the pupil improve their behaviour and successfully engage with education. Alternative provision will not be used as a punishment or sanction for past misconduct. It will only be considered where appropriate in-school interventions, outreach support, or targeted strategies have been unsuccessful or are not suitable to meet the pupil's needs. All placements will be time-limited, with a clear focus on supporting the pupil's progress and reintegration into mainstream education wherever possible.

Where a pupil is directed to attend alternative provision through an off-site direction, the placement will have clearly defined objectives, expected outcomes, and an agreed timescale. The nature of the intervention and the support to be provided will be discussed and agreed in advance with the alternative provider, and the placement will be monitored and reviewed regularly by the school and governing board. Throughout the placement, pupils will continue to receive a broad and balanced curriculum appropriate to their age, ability and needs. Depending on individual circumstances, alternative provision may be arranged on a full-time basis or as part of a blended programme that combines attendance at alternative provision with continued education in the mainstream setting.

The governing board is responsible for authorising and overseeing any off-site direction arrangements and will ensure that all statutory requirements are met. A proposed maximum duration for the placement will be agreed at the outset, and plans for reintegration or alternative arrangements will be considered as part of the review process. During any period

of off-site direction to another school, attendance will be recorded using the appropriate attendance code in line with current statutory guidance.

When alternative provision is arranged, parents and carers will be provided with information including the start date of the placement, the location of the provision, the daily timetable, details of the member of staff or provider to whom the pupil should report, the reasons for the placement, and the intended outcomes. The school will maintain a reintegration plan for the pupil and review this regularly to ensure that the placement remains appropriate and effective.

Where full details of the arrangements are not available immediately following a suspension or exclusion, this information will be provided as soon as possible and, wherever practicable, no later than 48 hours before the provision begins. In exceptional circumstances where alternative provision is required to commence earlier, information may be provided with less notice, subject to parental agreement where required.

Managed Moves

A managed move is a voluntary agreement between schools, parents/carers and the admitting school to transfer a pupil permanently to another mainstream school as part of a planned intervention to support the pupil's educational and behavioural needs. The school will only consider a managed move where it is believed to be in the pupil's best interests and where it offers the most appropriate opportunity for the pupil to achieve success in education. Managed moves will not be used as a punitive measure and will only take place with the agreement of all relevant parties, including parents/carers and the admission authority of the receiving school.

Before a managed move is proposed, the school will be able to demonstrate that appropriate interventions and support have been implemented and reviewed. This may include pastoral support, targeted interventions, external agency involvement, multi-agency working and, where appropriate, statutory assessments. The school will ensure that all relevant information is shared with the receiving school prior to the move, including attainment data, attendance information, safeguarding information, risk assessments, details of any special educational needs or disabilities, and effective support strategies. This information sharing is essential to support a successful transition and to safeguard the pupil's welfare.

Where a managed move follows a period of off-site direction, the pupil will remain on the roll of the original school until the move becomes permanent. Once the managed move is

agreed and completed, the pupil's name will be removed from the admission register of the original school and added to the admission register of the new school. The school recognises that there is no legal provision for a 'trial' managed move. Where a temporary placement is required to support behaviour improvement, this will be arranged through off-site direction rather than a managed move.

For pupils with an Education, Health and Care Plan (EHCP), the school will work closely with the local authority before any managed move is agreed. Where all parties support the move, the local authority will be responsible for following the statutory procedures for reviewing and amending the EHCP. The school will also ensure that any existing support plans, assessments and professional recommendations are shared with the receiving school to maintain continuity of provision.

All managed moves will comply with the School Admissions Code and relevant pupil registration regulations. The school acknowledges that pupils can only be admitted to another school through the appropriate admissions process and in accordance with the receiving school's published admission arrangements. Managed moves are distinct from the Fair Access Protocol and will be considered separately. Parents/carers who have concerns about a proposed managed move will be able to raise these through the school's complaints procedure.

Separation of Pupils for Safeguarding Purposes

In exceptional circumstances, the school may temporarily prohibit a pupil from attending the school site for safeguarding reasons. This may be necessary where there has been a serious allegation, such as one pupil causing harm to another, and where separating pupils is required to safeguard the welfare of those involved. Such action is not a suspension or exclusion on disciplinary grounds and will only be used where alternative arrangements to safely separate pupils on site are not practicable. The Headteacher, in consultation with the Designated Safeguarding Lead (DSL) or Deputy DSL, will make decisions on a case-by-case basis, taking account of the individual circumstances, the welfare of all pupils involved, and advice from external agencies where appropriate, including Children's Social Care and the Police.

Parents/carers will be informed promptly of the reasons for the temporary restriction, and the Governing Board will be notified without delay. Where a pupil is unable to attend the school site for safeguarding reasons, arrangements for their education will be made in accordance with statutory requirements. The school will ensure that any decision to

temporarily prohibit attendance is lawful, proportionate, reasonable and fair, and complies with its duties under the Human Rights Act 1998, the Equality Act 2010 and current safeguarding guidance, including *Keeping Children Safe in Education*. The school recognises its responsibility to work collaboratively with safeguarding partners and will ensure that decisions are made in the best interests of children and support the wider safeguarding arrangements within the local area.

Where concerns involve allegations of child-on-child abuse, including sexual violence or sexual harassment, the DSL (or Deputy DSL) will undertake an immediate risk and needs assessment and determine any protective measures required. These measures may include the temporary separation of pupils while investigations are undertaken and risks are assessed. The school will follow all relevant safeguarding procedures and ensure that the welfare, safety and educational needs of all pupils involved remain central to decision-making. Any arrangements put in place will be reviewed regularly and removed as soon as it is safe and appropriate to do so.

Pupils with SEND and Education, Health and Care Plans (EHCPs)

The school is committed to meeting its duties under the Equality Act 2010 and the Children and Families Act 2014 by making reasonable adjustments for pupils with disabilities and using its best endeavours to secure appropriate provision for pupils with Special Educational Needs and Disabilities (SEND). Where a pupil with SEND or an EHCP is at risk of suspension, permanent exclusion or a managed move, the school will work closely with parents/carers, the local authority and relevant professionals to review the suitability of current provision and identify any additional support that may be required. For pupils with an EHCP, the school will engage with the local authority at an early stage and may request an early annual review to consider whether amendments to provision are necessary. For pupils receiving SEND support without an EHCP, the school will review existing interventions and seek specialist advice where appropriate, including considering whether an Education, Health and Care needs assessment should be requested. Any managed move involving a pupil with an EHCP will only proceed in consultation with the local authority and through the appropriate statutory processes.

Looked-After Children and Children with a Social Worker

The school recognises that children who are looked after, previously looked after, or who have a social worker may be particularly vulnerable and that education plays a vital role in promoting their safety, wellbeing and future outcomes. Where such a pupil is at risk of suspension, permanent exclusion or a managed move, the Headteacher will ensure that relevant professionals are involved at the earliest opportunity. This will include notifying the

pupil's social worker, the Designated Safeguarding Lead and parents/carers where appropriate. For looked-after children, the Designated Teacher will liaise with the Virtual School Head to consider any additional support, intervention or assessment required to reduce the risk of exclusion and support continued educational engagement. The school will ensure that the Personal Education Plan (PEP) is reviewed regularly and updated to reflect any behavioural concerns, support strategies and agreed actions. Where a managed move is being considered, all relevant parties, including the social worker, Virtual School Head and parents/carers, will be consulted to ensure that any decision is made in the best interests of the child and that appropriate support is maintained throughout the transition.

Informing the governing board

The Headteacher will, without delay, notify the Governors of:

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

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

Informing the local authority (LA)

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

The notification will include:

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

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

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

If a:

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

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

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

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

The social worker / VSH will be invited to any meeting of the panel 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, but this will only be done where it has not yet been reviewed by the governing board.

Where there is a cancellation:

- The parents, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- Parents will be offered the opportunity to meet with the Headteacher to discuss the cancellation
- The governing bodies duty to consider reinstatement ceases.
- As referred to above, the Headteacher will report to the governing board once per term on the number of cancellations
- The pupil will be allowed back in school
- Any days spent out of school prior to cancellation will count towards the maximum 45 days suspension.

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

During the first 5 days of a suspension/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. If the pupil has a special educational need or disability, the Headteacher will make sure that reasonable adjustments are made to the provision where necessary.

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

Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
 - Use of pupil referral units, off-site directions and managed moves
 - Anonymous surveys of staff, pupils, Governors and other stakeholders on their perceptions and experiences
 - The data will be analysed termly by the Head Teacher and reported to the governors
- Analysing will take into consideration: age group, time of day/week/term, protected characteristics

ROLES AND RESPONSIBILITIES

The Governors

Governors Considering suspensions and permanent exclusions - 'Parent Representations'

The Governors have a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil in certain circumstances.

Within 14 days of receiving a request, the Governors will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.

Considering the reinstatement of a pupil

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

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

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 15 in a term, the Governors must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the Headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, the governing board will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents 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 Governors/Trustees 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 governing board may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

Representation Meeting

The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- Parents, or the pupil if they are 18 or over (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
- A representative from the LA

Preparing for the consideration of a suspension or permanent exclusion

Where the governing board is legally required to consider the reinstatement of a suspended or permanently excluded pupil they must:

- not discuss the suspension or permanent exclusion with any party outside the meeting
- ask for any written evidence in advance of the meeting, including witness statements and other relevant information held by the school such as those relating to a pupil's SEN and the pupil's school record
- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting
- allow parents and the pupil to be accompanied by a friend or representative (where a pupil under 18 years old is to be invited as a witness, the governing board should first seek parental consent)
- invite the pupil's social worker, if they have one, and if the pupil is LAC, the VSH to attend
- comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability with mobility or communication that has an effect upon their ability to attend the meeting or to make representations); and

- identify the steps they will take to enable and encourage the suspended or permanently excluded pupil to attend the meeting and speak on their behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding; or how the suspended or permanently

Remote access

- Governing board meetings can be held via the use of remote access (for example, live video link) if requested by a parent or due to extraordinary events or unforeseen circumstances.
- Social workers and VSHs, must be allowed to join a governing board meeting or IRP via the use of remote access, regardless of the format chosen, as long as the governing board (for a governing board meeting) or arranging authority (for a review panel meeting) are satisfied they will be able to participate effectively, they can hear and be heard (and see and be seen if participating by video) throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent

Minute Taking

The governing board should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the governing board. These minutes should be made available to all parties on request and the record of discussion should state clearly how the decisions have been reached, which a clerk should be present

Decision Making

The Governors 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 Governors 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, Governors 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'.

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.

Notification of outcome

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

- The parents, or the pupil, if they are 18 or older
- The Headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- The local authority
- The pupil's home authority, if it differs from the school's

Where an exclusion is permanent and the Governors have decided not to reinstate the pupil, the notification of decision will also include the following:

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

MONITORING AND ANALYSING EXCLUSION AND SUSPENSIONS

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

The Governors 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
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and why this is taking place
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it The cost implications of directing pupils off-site

ROLES AND RESPONSIBILITIES

The local authority (LA)

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

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

Independent Review

If parents apply for an independent review within the legal timeframe, the LA will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

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

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

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

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

- Are a [member/director] of the LA of the excluding school
- Are the Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the LA or the Governing Body, of the excluding school (unless they are employed as a Headteacher at another school)
- Have, or at any time have had, any connection with the LA, school, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years

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

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

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

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

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

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

- Uphold the Governors/Trustees decision

- Recommend that the Governors/Trustees reconsiders reinstatement
- Quash the Governors/Trustees decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

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

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the 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 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 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 governing board reconsider reinstatement.

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

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

This notification will include:

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

SCHOOL REGISTERS

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

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

Where an application for an independent review has been made within 15 school days, the 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 has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

Making a return to the LA

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

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

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

RETURNING FROM A SUSPENSION

Reintegration strategy

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

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

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

- Reintegration meeting with parent and pupil to be offered informing the parent, pupil and staff of potential external support
- Regular reviews with the parent and pupils to monitor progress being made and to raise any concerns at an early stage
- Daily contact with ELSA/pastoral support if required
- 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, and other relevant parties.

Reintegration meetings

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

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

The meeting can proceed without the parents in the event that they cannot or do not attend. But non-attendance by parent/carer cannot prevent the child from returning to the classroom.

ANALYSIS USE

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.

LINKS WITH OTHER POLICIES/GUIDANCE

- Behaviour Policy
- Attendance Policy
- Safeguarding policy
- SEND Policy and Information Report
- Positive Handling
- [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#)