Islip Manor
HIGH SCHOOL

# Suspension and permanent exclusion policy

**September 2026**

| **Approved by:** | Curriculum and Standards Committee | |
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| Date: | Last reviewed on: | Next review due by: |
| September 2026 | September 2026 | September 2027 |

## 1. Aims

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

Our school aims to:

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

### A note on off-rolling

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

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

Accordingly, we will not suspend or permanently exclude a student unlawfully by telling or forcing them to leave, encouraging their parent(s)/carer(s) to remove them from the school, or not allowing them to attend school without following the statutory procedure contained in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, or formally recording the event.

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

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

If any student is suspended or permanently excluded on the above grounds, this will also be considered as 'off-rolling'.

## 2. Legislation and statutory guidance

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

It is based on the following legislation, which outlines schools' powers to suspend and permanently exclude students:

- 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 students
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014 and as modified and amended by The Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026.
- The Equality Act 2010
- Children and Families Act 2014
- The Inspection information for state-funded schools, which defines 'off-rolling'

## 3. Definitions

Suspension – when a student is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion – a decision that a student is no longer permitted to attend the school unless reinstated. Removal from the admission register takes place only when the statutory review process permits it.

Off-site direction – when a governing board of a maintained school, academy or PRU requires a student to attend another education setting temporarily, to improve their behaviour.

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

Managed move – when a student is transferred to another school permanently. All parties, including parents/carers and the admission authority for the new school, should consent before a managed move occurs. Managed moves cannot be used on a trial basis.

Cancelled exclusion – an exclusion that has been cancelled before the governing board has met to consider whether the student should be reinstated.

## 4. Roles and responsibilities

### 4.1 The headteacher

**Deciding whether to suspend or permanently exclude**

Only the headteacher, or acting headteacher, can suspend or permanently exclude a student from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The headteacher will only use permanent exclusion as a last resort.

A decision to suspend a student will be taken only:

- In accordance with the school's behaviour policy
- To provide a clear signal of what is unacceptable behaviour
- To show a student that their current behaviour is putting them at risk of permanent exclusion

**Suspension limits and administration**

A student may be suspended for one or more fixed periods up to a maximum of 45 school days in a single academic year. The school will monitor this limit reliably, including suspensions imposed by other schools. A suspension may be for part of a school day; the full statutory process will still apply and a lunchtime suspension will count as half a school day.

A suspension will have a defined end date. It will not be extended or converted into a permanent exclusion. Where further evidence justifies an additional sanction, a separate further suspension or permanent exclusion may begin immediately after the first suspension ends. The headteacher will take account of the school's duty of care when sending a student home.

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

A decision to permanently exclude a student will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of the student or of others such as staff or students in the school

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

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion was/were provoked
- Allow the student to give their version of events considering these in light of their age and understanding, unless it would not be appropriate to do so
- Consider whether the student has special educational needs (SEN)
- Consider whether the student is especially vulnerable (e.g. the student has a social worker, or is a looked-after child (LAC) or a previously looked-after child)
- Consider whether all alternative solutions have been explored, such as:

- For suspensions: detentions or other sanctions provided for in the behaviour policy
- For exclusions: off-site direction (for temporary placements) or managed moves (which are permanent and not used as trial placements)

**Off-site direction**

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

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

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

**Off-site direction procedure**

Off-site direction is a temporary intervention intended to improve future behaviour. It will not be used as a punishment for past misconduct and will be used only where in-school interventions or outreach have been unsuccessful or are inappropriate. The governing board is responsible for arranging and keeping the direction under review, and the student will continue to receive a broad and balanced education.

The governing board will ensure that parents/carers, or the student if aged 18 or over, and the LA where the student has an EHC plan receive written notice as soon as practicable after the direction is made and no later than 2 school days before it begins. The notice will state the placement address, the person to whom the student should report, the number of days, the reasons and objectives, and the relevant session and break times.

Parents/carers, an adult student and the LA where the student has an EHC plan may request a review in writing. The governing board will hold a requested review as soon as reasonably practicable unless a review has taken place in the preceding 10 weeks. It will keep the placement under review for as long as it remains in effect and will hold review meetings at intervals appropriate to the student's needs.

Written invitations to a review meeting will be sent to parents/carers or the adult student, and to the LA where the student has an EHC plan, at least 6 days before the meeting. Following each review, the governing board will decide whether the direction should continue and, if so, for how long, and will notify the parents/carers or adult student of its decision and reasons in writing no later than 6 days after the meeting.

Where the placement is at another school, the student will be dual registered and attendance will be recorded using code D. Information sharing, safeguarding arrangements, SEND support, progress, attendance, behaviour and reintegration planning will form part of the placement's regular review.

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

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

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

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

The headteacher will not reach a decision until they have heard from the student, and the student will be informed about how their views were taken into account when making the decision.

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

**Additional requirements for managed moves**

A managed move will be voluntary, form part of a planned intervention, be agreed by all relevant parties and take place only where it is in the student's best interests. A student will not be permanently excluded because their parent/carer, or the student where appropriate, refuses to agree to a managed move.

Any managed move will comply with the School Admissions Code and the School Attendance (Pupil Registration) (England) Regulations 2024. Where the student has an EHC plan, the school will contact the LA before the move so that the statutory process for amending the plan can be followed.

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

Where a student has an EHC plan, the school will contact the LA about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude the student.

**Equality and SEND duties**

The school and governing board will not discriminate against, harass or victimise a student because of a protected characteristic. They will comply with the public sector equality duty and will make reasonable adjustments for disabled students throughout disciplinary, exclusion and

review processes. School rules and practices will be kept under review so that they do not unfairly increase the risk of exclusion for disabled students.

The governing board will use its best endeavours to secure appropriate special educational provision and will have regard to the SEND Code of Practice. The school's duties under the Equality Act 2010 and the Children and Families Act 2014 continue during suspension, off-site direction and alternative provision.

For a student with SEN but without an EHC plan, the school will review whether current support is appropriate, involving external specialists where appropriate, and will consider whether an EHC needs assessment or changes to the support package are required.

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

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

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

This measure will only be used when:

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

Decisions will be made on a case-by-case basis, led by the designated safeguarding lead (DSL) or a deputy and informed by multi-agency working where appropriate (e.g. children's social care or the police). An immediate risk and needs assessment will be completed where required. The decision will specifically take account of the Human Rights Act 1998, the Equality Act 2010, Keeping Children Safe in Education and the public-law principles of reasonableness, rationality and procedural fairness.

Where this measure is used, the school will:

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

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

If a student is at risk of suspension or exclusion, the headteacher will inform the parents/carers/student as early as possible, in order to work together to consider what factors

may be affecting the student'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 student, the parents/carers/student will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about the parents'/carers'/student's right to make representations about the suspension or permanent exclusion to the governing board and, where the student is attending alongside parents/carers, how they may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a student, and that parents/carers/the student have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend (and, where appropriate, more than 1, subject to reasonable limits set by the governing board)
- That parents/carers/the student have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the student is of compulsory school age, the headteacher will also notify parents/carers without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

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

If alternative provision is being arranged during a suspension or permanent exclusion, the written notification will include:

- The start date for any provision of full-time education that has been arranged
- The address at which the provision will take place
- The name of the person the student should report to on arrival
- The duration of the placement
- The reasons for, and objectives of, the placement
- The start and finish times of any such provision

  *Where 2 sessions per day are provided:*
  - *What time the morning session starts*
  - *What time the afternoon session ends*

- *What time the break between them starts and ends*

*Where a single session per day is provided:*

- *What time the session starts and ends*

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

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

**Method and content of notices**

Statutory written notifications may be sent electronically only where the parent/carer has given written agreement for notices of that kind to be sent to the relevant address or number. Where practical, all people with parental responsibility will be involved in the process, and communications will be made accessible to recipients with disabilities or English as an additional language.

The exclusion notice will explain the arrangements made for the student to continue their education before alternative provision begins or the student returns to school, and will signpost current sources of free and impartial advice.

If a student is suspended again following an initial suspension, or is subsequently permanently excluded, the headteacher will issue a new exclusion notice without delay. Where relevant, the social worker and the LA where the student has an EHC plan will also be informed without delay.

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

**Informing the governing board**

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

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

### Termly reporting

Once each term, the headteacher will also inform the governing board of any other suspensions of which it has not previously been notified.

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

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

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

If a:

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

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

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

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

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

- They have decided to suspend or permanently exclude the student
- 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 student's ability to sit a National Curriculum test or public exam (where relevant)

- They have decided to cancel a suspension or permanent exclusion, and why (where relevant)

The social worker/VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the student'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 student's welfare are taken into account.

**Cancelling suspensions and permanent exclusions**

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

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

Any days spent out of school as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

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

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

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

If the student 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 student, including the use of online pathways.

## 4.2 The governing board

**Considering suspensions and permanent exclusions**

Responsibilities regarding suspensions and permanent exclusions are delegated to a committee consisting of at least 3 governors.

The committee has a duty to consider parents'/carers'/the student's (if they are 18 or older) representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded student (see sections 5 and 6) in certain circumstances.

Within 14 days of receiving a request, the governing board will provide the Secretary of State and the LA with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 consecutive school days, including consecutive suspensions that together exceed 5 school days, the governing board will arrange suitable full-time education for the student to begin no later than the sixth school day. The governing board will assure itself that the provision is suitable and full-time, meets any SEND needs, uses the correct attendance code and includes appropriate monitoring of attendance and behaviour. Relevant safeguarding and welfare information will be transferred securely as early as possible.

The governing board does not have to arrange such provision for students in their final year of compulsory education who do not have any further public exams to sit.

**Monitoring and analysing suspensions and exclusions data**

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

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

The governing board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where students receive repeat suspensions
- Interventions in place to support students at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- The timing of moves and permanent exclusions, and whether there are any patterns, including any indications that may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded students, and whether students who share any particular characteristic are suspended or permanently excluded more than others
- Whether the placements of students directed off-site into alternative provision are reviewed at sufficient intervals to assure the school that the education is achieving its objectives and that students are benefiting from it

- The cost implications of directing students off-site

Performance data and benchmarking:

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

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

### 4.3 The local authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion. Where the student has an EHC plan, the LA may need to review the plan or reassess the student's needs, in consultation with parents/carers, to identify a new placement.

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

## 5. Considering the reinstatement of a student

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

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

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

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

Where a suspension or permanent exclusion would result in a student missing a public exam or National Curriculum test, the governing board will, as far as reasonably practicable, consider and decide on the reinstatement of the student before the date of the exam or test. If this is not practicable, the chair of the governing board (or the vice-chair, if necessary) may consider the suspension or permanent exclusion and decide whether or not to reinstate the student. There is no automatic right to sit an examination or test on school premises; the governing board will consider whether access to the premises or another suitable arrangement is appropriate.

**Preparing for the governing board meeting**

The governing board will not discuss the suspension or permanent exclusion with any party outside the meeting. It will request relevant written evidence in advance, including witness statements, the student's school record and relevant SEND information. Where possible, the evidence and a list of attendees will be circulated to all parties at least 5 school days before the meeting.

The governing board will make reasonable adjustments to support disabled participants and will identify how the student will be enabled and encouraged to attend and speak, or to provide their views by another means. At the end of the hearing, all parties other than the clerk/governance professional will withdraw before the committee reaches its decision. Meeting minutes will be made available to the parties on request.

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

- Parents/carers, or the student if they are 18 or older (and, where requested, a representative or friend, and where appropriate, more than 1, subject to reasonable limits set by the governing board)
- The student, 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 student's social worker, if they have one
- The VSH, if the student is looked after
- A representative of the local authority

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

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

The governing board's student disciplinary committee can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student 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 both the interests and circumstances of the suspended or permanently excluded student and the interests of other students, staff and the wider school community. Governors will also 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 student and their peers
- Any evidence that was presented to the governing board

A required reinstatement meeting will still be held even where it would make no practical difference, for example because the suspension has ended or the parents/carers do not wish the student to return. The committee will decide whether the student should or would have been reinstated.

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

The clerk/governance professional will be present when the decision is made.

Minutes will be taken of the meeting and made available to the parties on request, and a record kept of the evidence considered and how the decision was reached. The outcome will be recorded on the student's educational record and relevant papers will be kept with this record. Records and evidence relating to an exclusion will be retained for at least 6 months.

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

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

Where an exclusion is permanent and the governing board has decided not to reinstate the student, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents'/carers'/the student's (if they are 18 or older) right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents/carers)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the student's special educational needs (SEN) are considered to be relevant to the permanent exclusion

- That, regardless of whether the excluded student has recognised SEN, parents/carers/the student have a right to require the LA to appoint an SEN expert to advise the review panel
- Details of the role of the SEN expert and that there would be no cost to parents/carers/the student for this appointment
- That parents/carers/the student must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents/carers/the student may, at their own expense, appoint someone to make written and/or oral representations to the panel
- That, if parents/carers/the student 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

**Additional information in the decision notice**

Where the governing board declines to reinstate a permanently excluded student, its written notification will also explain the right to request that the independent review be held remotely, and how and to whom that request should be made. It will state that parents/carers or the adult student are entitled to bring a friend to the review.

The notification will draw attention to current sources of free and impartial advice, including the DfE guidance for parents and carers, the local SEND information, advice and support service, Coram Child Law Advice and IPSEA.

**6. Independent review**

If parents/carers/the student (if they are 18 or older) apply for an independent review within the legal timeframe, the LA will, at their own expense, arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents/carers/student by the governing board of its decision to not reinstate the student 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. Any applications made outside of this timeframe will be rejected. The independent review must begin within 15 school days of the day on which the application was made.

Independent reviews can be held remotely at the request of parents/carers/the student. See section 9 for more details on remote access to meetings.

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

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

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

- Are a member 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 board, 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, governing board, parents/carers or student, 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 (see appendix 1 for what training must cover)

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

Taking into account the student's age and understanding, the student or their parents/carers will be made aware of their right to attend and participate in the review meeting and the student 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 student'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 student's experiences, needs, safeguarding risks and/or welfare may be relevant to the student's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the VSH 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 student's permanent exclusion.

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

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

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. The panel's decision is binding on the student, parents/carers, governing board, headteacher and LA.

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 student within 10 school days
- Any information that the panel has directed the governing board to place on the student's educational record

**Reconsideration following an independent review**

Where the panel directs or recommends that the governing board reconsider reinstatement, the governing board will reconvene within 10 school days of receiving notice of the panel's decision and will reconsider the matter conscientiously and afresh in light of the panel's findings.

The governing board will comply with any direction to place a note on the student's educational record. It will notify the parents/carers or adult student, the headteacher, the LA and, where relevant, the home authority of its reconsidered decision and reasons, in writing and without delay. The outcome, minutes and relevant papers will be retained with the student's educational record.

Following a direction to reconsider, a £4,000 budget adjustment may be made if the governing board does not offer reinstatement within the statutory 10-school-day period. No adjustment will be made where reinstatement is offered in time but declined by the parents/carers or adult student.

**7. School registers**

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

- 15 school days have passed since the parents/carers/student (if they are 18 or older) were notified of the governing board's decision to not reinstate the student, and no application has been made for an independent review panel, or

- The parents/carers/student 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 student's name will not be removed until the review has been determined or abandoned and the governing board has completed any reconsideration that the panel recommended or directed.

While the student's name remains on the school's admission register, the student's attendance will still be recorded appropriately. Where alternative provision (of an approved educational activity that does not involve the student being registered at any other school) has been made for an excluded student and they attend it, code B (education off-site) will be used on the attendance register. During off-site direction to another school or educational establishment, code D (dual registration) will be used.

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

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

**Making a return to the LA**

Where a student'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 student's full name and address
- The full name and address of any parent/carer with whom the student normally resides
- At least 1 telephone number at which any parent/carer with whom the student 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 student will attend, including the name of that school and the first date when the student attended or is due to attend there, if the parents/carers have told the school the student is moving to another school
- Details of the student's new address, including the new address, the name of the parent/carer(s) the student is going to live there with, and the date when the student is going to start living there, if the parents/carers have informed the school that the student 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 student's name.

**Transfer of records and safeguarding information**

The school will not backdate deletion from the admission register to the date on which the permanent exclusion began.

Once the student has ceased to be registered and is registered at a new school, the Common Transfer File will be transferred within 15 school days. The designated safeguarding lead will ensure that the child protection file is transferred securely and separately from the main student file as soon as possible, and within 5 days for an in-year transfer or within the first 5 days of a new term, with confirmation of receipt obtained.

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

### 8.1 Reintegration strategy

Following a suspension, period of off-site direction, separation for safeguarding purposes, or cancelled suspension or exclusion, the school will put in place a reintegration strategy. It will offer the student a fresh start, help them understand the effect of their behaviour, teach them how to meet the school's expectations, foster a renewed sense of belonging and rebuild engagement with learning and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the student 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 for the student:

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

Part-time timetables will not be used to manage behaviour. Where one is exceptionally required, it will be used for the shortest time necessary, have a defined end date, be formally and regularly reviewed with the student and parents/carers, and be recorded through the appropriate leave-of-absence arrangements.

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

### 8.2 Reintegration meetings

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

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

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

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

**9. Remote access to meetings**

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

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

In case of extraordinary or unforeseen circumstances which mean it is not reasonably practicable for the meeting to be held in person, the meeting may be held remotely, provided that all statutory conditions are satisfied.

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

The governing board and the LA must assess whether the meeting can be held fairly and transparently and must be satisfied that the following conditions are met before a meeting proceeds remotely:

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

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

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

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

**Police investigations and parallel criminal proceedings**

The headteacher will not postpone a suspension or permanent exclusion decision solely because a police investigation is underway or criminal proceedings may be brought. The

decision will be made on the evidence available at the time, with any additional steps needed to ensure that it is fair, lawful and consistent with the school's safeguarding duties.

Where the governing board is required to consider reinstatement, it cannot postpone the meeting because of police involvement or parallel criminal proceedings and will decide on the evidence available. An independent review panel will consider separately whether an adjournment is necessary, taking account of the availability of witnesses and documents, the likely delay and the risk of injustice to any party.

**10. Monitoring arrangements**

The school will record every suspension and permanent exclusion formally and will submit the required information through the termly school census, including up to 3 applicable reasons for each suspension or permanent exclusion.

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units (PRUs), off-site directions and managed moves
- Anonymous surveys of students and parents on their perceptions and experiences

The data will be analysed from a variety of perspectives including:

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

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

This policy will be reviewed by the Curriculum and Standards Committee annually and whenever relevant legislation or statutory guidance changes.

**11. Links with other policies**

This policy is linked to our:

- Behaviour policy
- SEND policy
- SEN information report

**Appendix 1: independent review panel training**

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

Training must have covered:

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