DDAT

Derby Diocesan Academy Trust

Suspension and exclusions Policy

July 2026

Approved by the Trust Board on: 10th July 2026

To be reviewed: July 2027

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Statement of intent

At Arboretum Primary School, we understand that good behaviour and conduct is essential for promoting a high-quality education.

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

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

A **"suspension"** is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.

An **"exclusion"** is defined as the permanent removal of a pupil from the school, in response to a serious breach or persistent breaches of the school's Behaviour Policy, and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or staff in the school.

Off-site direction – when the board of trustees/local trust committee of an academy requires a pupil to attend another education setting temporarily, to improve their behaviour.

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

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

Cancelled exclusion – an exclusion that has been cancelled before the local trust committee has met to consider whether the pupil should be reinstated.

Local Trust Committee (LTC) – previously known as local governing bodies and has delegated functions from the trust board.

This policy is underpinned by the core values of integrity, excellence, and courage. These principles guide our decision-making, ensuring that all actions are fair, evidence-based, and rooted in the best interests of the pupil and school community. Staff are

trusted to apply this policy with professional judgement, consistency, and clarity, even when navigating complex or challenging situations.

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

1. Legal framework

This policy has been developed in accordance with relevant legislation and statutory guidance relating to suspension and permanent exclusion, and reflects the Trust's commitment to lawful, fair and proportionate decision-making.

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

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

This policy also has due regard to statutory guidance and non-statutory advice issued by the Department for Education (DfE), including but not limited to:

- DfE (2026) *Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement* (statutory guidance)
- DfE (2024) *Behaviour in Schools: Advice for headteachers and school staff*
- *Special Educational Needs and Disability Code of Practice: 0 to 25 years* (2015, updated 2024)
- DfE (2018) *Mental Health and Behaviour in Schools*

This policy also reflects requirements set out in:

- School Attendance (Pupil Registration) (England) Regulations 2024

- Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units) Regulations 2026

This policy operates in conjunction with the following Trust and school policies:

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

2. Roles and responsibilities

The Headteacher/Executive Headteacher is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g. if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Where a permanent exclusion is being considered, the headteacher/Executive Headteacher must convene a DDAT Emergency Review Meeting prior to making the final decision (see section 5).
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, those eligible for FSM, Children known to Social Care and those from certain ethnic groups.
- Engaging effectively with parents/carers in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be suspended or excluded on disciplinary grounds.

- Adhering to their responsibilities when cancelling an exclusion before the local trust committee has met to consider whether the pupil should be reinstated.
- Withdrawing any suspensions or exclusions that have not been reviewed by the local trust committee, where appropriate.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension or exclusion.
- Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a pupil's parents/carers without delay where the decision is taken to suspend or exclude the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the local trust committee member responsible and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the local trust committee once per term of any exclusions in the
- Headteacher/Executive Headteacher's report to the local trust committee. Organising suitable work for excluded pupils where alternative provision cannot be arranged.

The LA is responsible for:

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

The Trust is responsible for:

- Arranging for an independent review panel hearing to review the decision of the local trust committee not to reinstate a permanently excluded pupil where required.
- Arranging for the independent review panel hearing to be held via remote access where requested by parents or excluded pupils aged 18 and above (see section 19).

The local trust committee is responsible for:

- Responsibilities regarding exclusions are delegated to the Suspensions and Exclusions Panel of the local trust committee
- The Suspensions and Exclusions Panel of the local trust committee has a duty to consider parents'/carers'/the pupil's (if they are 18 or older) representations about a suspension or permanent exclusion. It has a duty to consider the

reinstatement of a suspended or permanently excluded pupil in certain circumstances.

- Within 14 days of receiving a request, the local trust committee will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.
- For any suspension of more than 5 school days, the local trust committee will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.
- The local trust committee does not have to arrange such provision for pupils in their final year of compulsory education who do not have any further public exams to sit.
- The local trust committee will review, challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision, and managed moves.

3. Grounds for suspension or exclusion

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

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

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Bullying
- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse

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

4. The Headteacher/Executive Headteacher's power to suspend and exclude

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

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

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

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

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

The Headteacher/Executive Headteacher may cancel any suspension or exclusion that has already begun, or one that has not yet begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the local trust committee.

Where a suspension or exclusion is cancelled, the Headteacher/Executive Headteacher will notify the pupil's parents, the local trust committee, the LA, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The notification will also provide the reason for the cancellation. The Headteacher/Executive Headteacher will offer the pupil's parents the opportunity to meet with the Headteacher/Executive Headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school without delay.

When a suspension or exclusion is cancelled, the local trust committee's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.

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

The Headteacher/Executive Headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the local trust committee once per term, to allow the local trust committee to have appropriate oversight. All suspensions and exclusions will be reported to the Trust.

The Headteacher/Executive Headteacher will not use the threat of suspension or exclusion as a means of instructing parents/carers to remove their child from the premises.

All suspensions and exclusions will be formally recorded on the school's pupil information system (Arbor)

Unlawful exclusion and off-rolling
The school will not engage in unlawful exclusion or off-rolling practices.

This includes:

- Sending a pupil home without formally recording a suspension
- Informally excluding a pupil to 'cool off'
- Pressuring parents/carers to remove their child from the school roll
- Using managed moves without the informed and voluntary agreement of all parties
- Placing a pupil on a reduced timetable for behaviour reasons without appropriate process and review
- Excluding a pupil for non-disciplinary reasons, including academic attainment or because of unmet SEND needs

All suspensions and exclusions must be formally recorded and carried out in line with statutory guidance.

Separation for safeguarding purposes
In exceptional circumstances, a pupil may be required to remain away from the school premises for safeguarding reasons.

Where this is not in response to a disciplinary breach, this does not constitute a suspension or exclusion.

In such cases:

- Decisions will be made in consultation with the Designated Safeguarding Lead
- Parents/carers will be informed without delay
- Appropriate education arrangements will be considered
- The arrangement will be reviewed regularly

The school will ensure that safeguarding measures are not used in place of formal suspension or exclusion processes.

5. Factors to consider when suspending or excluding a pupil

When considering the suspension or exclusion of a pupil, the Headteacher/Executive Headteacher/Trust will:

- Take reasonable steps to establish the pupil's views before making a decision, taking into account the pupil's age, understanding and communication needs. The pupil must be given the opportunity to present their account of events, and a record will be kept of how their views were considered in reaching the final decision.
- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.

The Headteacher/Executive Headteacher will consider what extra support may be available for vulnerable pupil groups whose suspension and exclusion rates are higher, to reduce their risk of suspension or exclusion, including the following:

- Children known to Social Care
- Pupils eligible for FSM
- Pupils with SEND
- Certain ethnic groups

The Headteacher will give particular consideration to the circumstances and vulnerabilities of Children Known to Social Care, pupils with SEND, SEMH needs, and pupils with EHC Plans before reaching a decision. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Headteacher/Executive Headteacher, who will instigate a multiagency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities. The full assessment procedures are outlined in the school's SEND policy.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's Behaviour Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered. In accordance with the Equality Act 2010, the school will carefully consider whether a pupil's SEND or SEMH needs have contributed to the behaviour and whether appropriate support and reasonable adjustments have been provided before making any suspension or exclusion decision before the graduated response has been completed.

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

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

The use of Alternative Provision may be considered at the later stages of the graduated response, following targeted in-school interventions and multi-agency planning, where a pupil's needs cannot be fully met in the mainstream environment for a defined period of time.

Before any decision is made to permanently exclude a pupil, The Headteacher must be satisfied, based on recorded evidence, that all reasonable and proportionate steps have been taken before proceeding to permanent exclusion.

Pre-permanent exclusion review (DDAT Emergency Meeting)
Before any decision is taken to permanently exclude a pupil, the Headteacher must ensure that all reasonable and proportionate steps have been taken to avoid this outcome.

In all cases where permanent exclusion is being considered, the Headteacher must convene a DDAT Emergency Review Meeting prior to making a final decision.

This meeting will follow the DDAT Emergency Meeting Agenda for Permanent Exclusion and will include relevant staff and, where appropriate, external professionals such as the SENCO, DSL, social worker or other agencies.

- The meeting must consider:
- The pupil's views and account of events
- Any safeguarding concerns or risks
- SEND, SEMH or other vulnerabilities and whether these have been appropriately supported
- The effectiveness of previous interventions
- Alternatives to exclusion, including additional internal support, off-site direction or a managed move

The meeting will be formally recorded and must demonstrate that permanent exclusion is a last resort and that the decision is lawful, reasonable, fair and proportionate.

The outcome of this meeting must inform the Headteacher's final decision and be retained as part of the exclusion record.

6. Preventative measures

This approach reflects the DfE's SEND and Alternative Provision Improvement Plan (2023), supporting a single, integrated system of support through effective use of high-quality, time-limited placements where in-school interventions are not sufficient. The school's use of Alternative Provision, when necessary, will be coordinated with SEND processes and aligned to the pupil's individual support plan where applicable, to ensure continuity and effective reintegration.

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

Off-site direction

The board of trustees may use their general powers to arrange for any registered pupil to attend at any place outside the school premises for the purpose of receiving educational provision intended to improve their behaviour.

The local trust committee and the Headteacher/Executive Headteacher will decide, in communication with the pupil and their parents/carers, whether off-site direction is an appropriate solution to manage a pupil's behaviour and avoid suspension or exclusion. Where all parties agree to this course of action, the school will work with the pupil and their parents/carers to discuss and agree a plan for the offsite direction, including a proposed maximum period of time that the pupil will be at the alternative provision and any alternative options that will be considered once the time limit has been reached, e.g. managed moves.

The local trust committee will notify parents/carers, and the LA if the pupil has an EHC plan, in writing with information about the placement no later than two school days before the relevant day.

The school will keep any off-site placements under review by holding review meetings at intervals deemed appropriate by the local trust committee; the local trust committee will ensure, where possible, that review meetings are convened at a time suitable for the pupil's parents/carers and will invite parents/carers in writing to each review meeting no later than six days before that date. Where parents/carers request, in writing, that the local trust committee hold a review meeting, the local trust committee will arrange review meetings in response, as soon as is reasonably practicable, unless there has been a review meeting in the previous 10 weeks.

The local trust committee will decide at each review meeting whether the arrangement will continue and for what period of time; the meeting will also decide arrangements for further reviews. Reviews will be recorded in writing, including any decisions made regarding the placement.

Managed moves

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

The school will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. The school will participate in information sharing with the pupil's new

school, including sending data on prior and current attainment, academic potential and any risk management strategies. The school will also cooperate with the pupil's new school to create an effective integration strategy.

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

7. Duty to inform parents/carers

Following the Headteacher/Executive Headteacher's decision to suspend or exclude a pupil, they will immediately inform the parents/carers, or the excluded pupil if they are 18 or older, in person or by telephone, supported by email communication, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.

The Headteacher/Executive Headteacher will inform the parents/carers in writing (or electronically if written permission has been received from the parents/carers for notices to be sent this way) of the following:

- The reasons for the suspension or exclusion
- The length of the suspension or permanency of the exclusion
- Their right to raise any representations about the suspension or exclusion to the local trust committee, including how the pupil will be involved in this and how the representations will be made
- Their right to make a request to hold the meeting via remote access and how this request can be made
- Their right to attend a meeting where there is a legal requirement for the local trust committee to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
- Relevant sources of free, impartial information

Where the pupil is of compulsory school age, the Headteacher/Executive Headteacher will inform the parents/carers by the end of the afternoon session that for the first five 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), parents/carers are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.

Where the Headteacher/Executive Headteacher has arranged alternative provision, they will also inform the parents/carers of the following:

- The start and end date for any provision of full-time education
- The address at which the provision will take place

- Any information necessary for the pupil to identify the person they should report to on the starting date

Where the Headteacher/Executive Headteacher is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision. If the alternative provision is due to begin before the sixth day of the suspension or exclusion, the headteacher is able to give less than 48 hours of notice, with parental consent.

If the Headteacher/Executive Headteacher has decided to suspend the pupil for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents/carers without delay and issue a new suspension or exclusion notice to parents/carers.

8. Duty to inform the local trust committee and LA

The Headteacher/Executive Headteacher will inform the local trust committee, without delay, of the following:

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

For any suspensions and exclusions, other than those above, the headteacher will notify the local trust committee once per term.

The Headteacher/Executive Headteacher will inform the LA and Trust of all suspensions or exclusions, regardless of their length, without delay.

All notifications to the local trust committee and LA will include the reasons for suspension or exclusion and the duration of any suspension.

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

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

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

Social workers and/or the VSH will also be informed when a meeting of the local trust committee is taking place and will be invited to attend the meeting should they wish to do so.

Social workers and VSHs will be allowed to join a local trust committee meeting or independent review panel via the use of remote access, as long as the arranging authority is satisfied they will be able to participate effectively, they can hear and be heard throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent.

10. Arranging education for suspended and excluded pupils

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

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

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

If a pupil with SEND has been suspended or excluded, the local trust committee will ensure that:

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

Any use of alternative provision will be quality-assured, and providers will be selected based on their ability to meet the academic, social, emotional, and safeguarding needs of the pupil. Where providers are not registered schools, checks will be made to ensure they meet expected standards.

Following a suspension, the school must implement a structured reintegration process to support the pupil's successful return to education using the DDAT pro- formas to support.

This will include:

- A reintegration meeting with the pupil and, where possible, their parents/carers
- A clear reintegration plan which may include behaviour expectations, pastoral support, targeted interventions and adjustments for SEND or SEMH needs

The school will ensure the pupil understands expectations and is supported to meet them. The effectiveness of the reintegration plan will be monitored and reviewed regularly.

Where a pupil is vulnerable, including those with SEND or known to social care, the school will involve relevant external agencies and ensure that support is coordinated.

11. Considering the reinstatement of a pupil

The Suspensions and Exclusions panel of the local trust committee will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

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

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

Where the pupil has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents/carers/pupil make representations to the board, the Suspensions and Exclusions panel will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents/carers/pupil do not make representations, the panel 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 Suspensions and Exclusions panel will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the Suspensions and Exclusions panel may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The following parties will be invited to a meeting of the Suspensions and Exclusions panel and allowed to make representations or share information:

- Parents/carers, or the pupil if they are 18 or older (and, where requested, a representative or friend, and where appropriate, more than 1, subject to reasonable limits set by the local trust committee)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)

- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

The meeting can be held remotely at the request of parents/carers, or pupils if they are 18 or older. See section 19 for more details on remote access to meetings.

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

The Suspensions and Exclusions panel can either:

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

In reaching a decision, the Suspensions and Exclusions panel will consider:

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

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

The Suspensions and Exclusions panel will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

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

Where an exclusion is permanent and the Suspensions and Exclusions panel has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents'/carers'/the pupil's (if they are 18 or older) right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents/carers)
- The name and address to which an application for a review and any written evidence should be submitted

- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents/carers/the pupil have a right to require the 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/carers/the pupil for this appointment
- That parents/carers/the pupil must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents/carers/the pupil may, at their own expense, appoint someone to make written and/or oral representations to the panel
- That, if parents/carers/the pupil believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also, that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

12. Reaching a decision

After considering suspensions and exclusions, the local trust committee will either:

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

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

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

To reach a decision, the local trust committee will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the suspension or exclusion of the pupil was lawful, proportionate and fair, taking into account the Headteacher/Executive Headteacher's legal duties and any evidence that was presented to the local trust committee in relation to the decision.

- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
- Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the pupil.

13. Notification of considered suspensions and exclusions

The local trust committee will notify the parents/carers of the suspended or excluded pupil, the Headteacher/Executive Headteacher, and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay.

In the case of exclusion, where the local trust committee decides not to reinstate the pupil, they will notify the parents:

- That the exclusion is permanent.
- Of their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That a request to hold the meeting via remote access can be made and how to do this.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion.
- That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the local trust committee to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents/carers will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

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

After any conclusion, the local trust committee will notify the parents/carers, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

14. Removing excluded pupils from the school register

The Headteacher/Executive Headteacher will remove pupils from the school register if:

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

If an application for an independent panel review has been made within 15 school days, the Headteacher/Executive Headteacher will wait until the review has been determined, or abandoned, and until the local trust committee has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.

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

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

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

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

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

- Code B: Education off-site for an approved educational activity that is not sporting or work experience
- Code C2: School age pupil absent subject to a part-time timetable
- Code D: Dual registration
- Code E: Suspended or permanently excluded and no alternative provision made
- Code K: attending alternative provision or provision arranged by the LA

Attendance coding will be applied in line with the School Attendance (Pupil Registration) (England) Regulations 2024.

15. Independent review panel

If parents/carers/the pupil (if they are 18 or older) apply for an independent review within the legal timeframe, the academy trust will, at their own expense, 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/carers/pupil by the Suspensions and Exclusions panel 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. Any applications made outside of this timeframe will be rejected.

The Trust Chief Operating Officer, supported by the Trust Governance Lead, will be responsible for overseeing the arrangement and coordination of the Independent Review Panel.

Independent reviews can be held remotely at the request of parents/carers/the pupil. See section 19 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 director of the academy trust 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 academy trust, or on the local trust committee, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the academy trust, school, governing board, parents/carers 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 (see appendix 2 for what training must cover)

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/carers will be made aware of their right to attend and participate in the

independent 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 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 pupil'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.

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 governing board to place on the pupil's educational record

16. Appointing a SEND expert

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

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

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

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

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

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

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

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

17. The role of the SEND expert

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

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

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

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

18. The duties of the independent review panel governance professional/clerk

Guidance to the clerk and academy trust on the record of the proceedings of a review panel

The clerk to a review panel should ensure that minutes of the proceedings are taken, including details of the attendance, the voting, and the decision.

The minutes are not public documents but should be retained by the academy trust for a period of at least five years, as they may need to be seen by a court or (in the case of maintained school) by the Local Government and Social Care Ombudsman.

The academy trust should be aware of its duties under the Freedom of Information Act 2000, the Data Protection Act 2018, and the General Data Protection Regulation (EU) 2016/679 as it forms part of UK law (the UK GDPR) when retaining information.

Guidance to the IRP and clerk on notifying parties of the outcome of the review

If the panel upholds the governing board's decision not to reinstate, the clerk should immediately report this to the local authority (who should inform, where a pupil has one, the social worker and VSH), and notify the parents and the governing board. If the pupil lives outside the local authority area in which the school is located, the clerk should make sure that the 'home authority' is also informed in writing of the outcome of the review without delay. This includes any situation where parents withdraw or abandon their application for a review.

19. Conducting Suspensions and Exclusions panel meetings or independent review panels via remote access

Parents/carers, or pupils if they are 18 or older, can request that a Suspensions and Exclusions panel meeting or independent review panel are held via remote access; however, parents/carers/pupils will be made aware that this is not the default option.

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

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

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

The Suspensions and Exclusions panel and the Trust should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

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

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

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

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

The full guidance for parents/carers on holding a remote meeting can be found at the following link: A guide for parents on school behaviour and exclusion - GOV.UK

20. Reconsidering reinstatement following an independent review panel

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

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

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

Following reconsideration, the local trust committee will notify the parents/carers, headteacher and LA of their reconsidered decision and the reasons for this.

21. Criminal investigations

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

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

If the local trust committee is required to consider the Headteacher/Executive Headteacher‘s decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

22. Using data

The Headteacher/Executive Headteacher will ensure that all data regarding suspensions and exclusions is collected and provided to the local trust committee on a termly basis. The local trust committee will review this data regularly in order to:

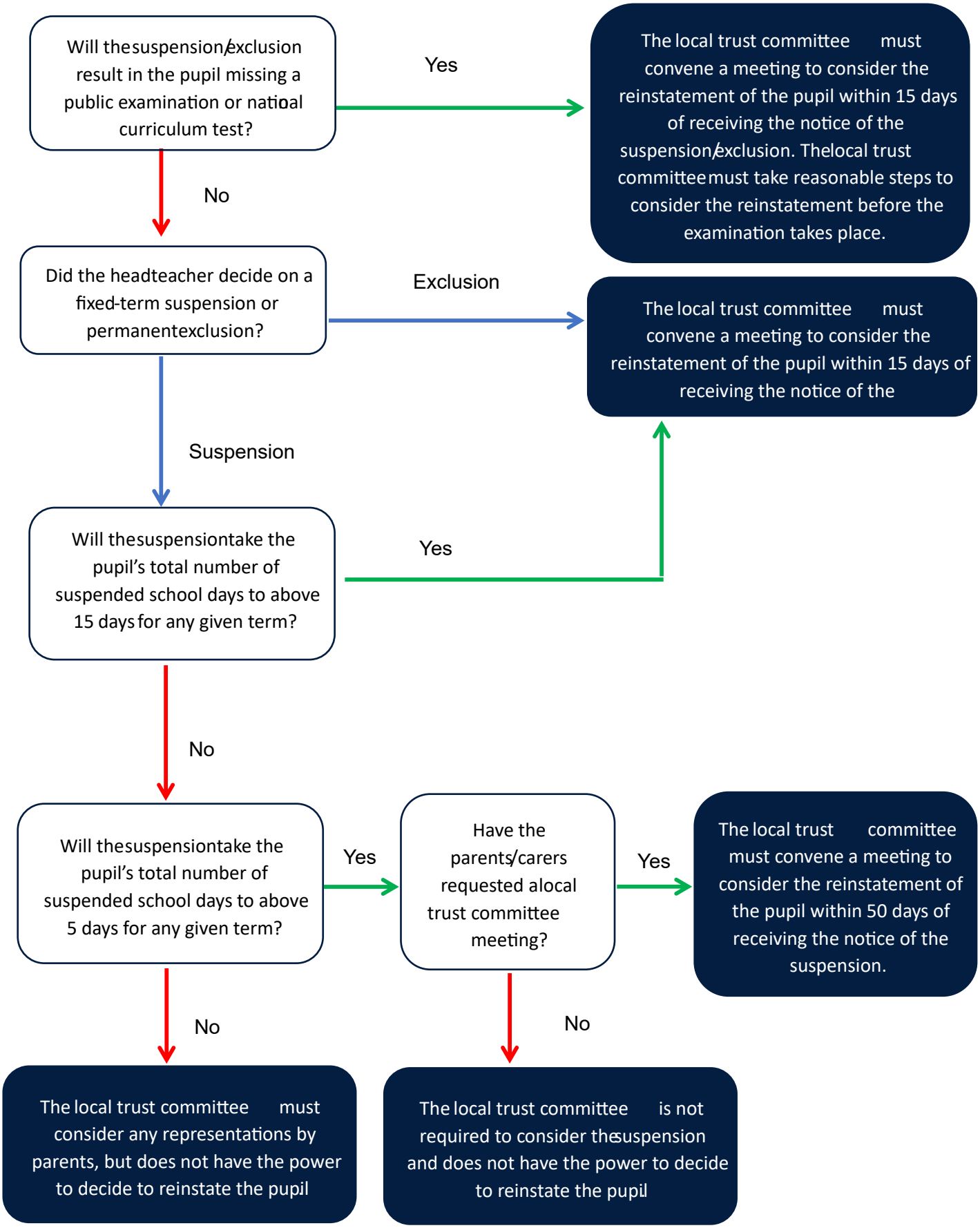
- Consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- Gather information on pupils who are taken off the roll and those who are on the roll but attending education off-site.
- Determine whether there are any patterns of suspensions and exclusions across the Trust.
- Consider the effectiveness and consistency in implementing the Behaviour Policy.
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Understand the characteristics of suspended and excluded pupils and evaluate equality considerations.
- Gather information on where pupils are receiving repeat suspensions.
- Evaluate interventions in place to support pupils at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.

- Analysing 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.

24. Monitoring and review

This policy will be reviewed annually by the Trust in conjunction with local trust committees. The next scheduled review date for this policy is June 2027.

Appendix A: Flowchart for reviewing the headteacher's/executive headteachers suspension or exclusion decision



Appendix B: independent review panel training

The academy trust must make sure that all members of an independent review panel and the clerk/governance professional 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.