

Trust Suspensions and Exclusions

This policy is applicable to the Wonder Learning Partnership (WLP)

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Introduction

The WLP understands that good behaviour and discipline is essential for promoting a high-quality education.

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

Aims

The Trust is committed to following all statutory suspension and exclusion procedures to ensure that every child receives an education in a safe and caring environment.

Only the Headteacher/Head of School can suspend or exclude a pupil from school. If behaviour management strategies have been exhausted then a permanent exclusion will only be taken as a last resort. Permanent exclusion must only be used as a last resort after appropriate support, intervention, reasonable adjustments and alternative measures have been considered, except where a serious one-off incident makes permanent exclusion proportionate and necessary.

The Trust is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

"...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."

A decision to suspend or exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy and
- If allowing the pupil to remain in school would seriously harm the education or welfare of themselves or others

The WLP will ensure that:

- The suspension and exclusion process are applied fairly and consistently.
- The suspension/exclusion process clearly defines the legal responsibilities of the Trust, Headteachers/Head of Schools, Governors and the Local Authority to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

Legislation and statutory guidance

- This policy has due regard to the related statutory legislation including, but not limited to, the following:
 - Education Act 2002
 - The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
 - Education and Inspections Act 2006
 - Education Act 1996
 - the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for

Excluded Pupils) (England) (Amendment) Regulations 2014
The European Convention on Human Rights (ECHR)

- Equality Act 2010
- This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:
 - DfE (July 2026) Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (effective from 26 July 2026).DfE (2022) 'Behaviour and discipline in schools – advice for Headteachers and School Staff'
 - DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
 - DfE (2018) 'Mental health and behaviour in schools'
- This policy will be implemented in conjunction with the following Trust/school policies and procedures:
 - Behavioural Policy
 - Anti-Bullying Policy
 - Special Educational Needs and Disabilities (SEND) Policy
 - Safeguarding and Child Protection Policy

Definition

For the purposes of suspensions, school day is defined as any day on which there is a school session; one day equals two sessions. Therefore, staff training days do not count as a school day.

The word 'suspension' is used to refer to what legislation calls an exclusion for a fixed period. Suspensions and permanent exclusions are both types of exclusion, and where this guidance uses the word 'exclusion' this includes both suspensions (fixed-period exclusions) and permanent exclusions.

For the purposes of this policy, the term "exclusion" refers only to disciplinary exclusion, namely suspension or permanent exclusion.

Other measures used for safeguarding purposes, including safeguarding-related separation, do not constitute exclusion and should not be recorded or reported as suspension or permanent exclusion.

Safeguarding-Related Separation

In exceptional circumstances, it may be necessary to separate a pupil from other pupils for safeguarding reasons. Any such separation does not constitute a suspension or permanent exclusion and must not be recorded as such.

The school will only use safeguarding-related separation where it is necessary, proportionate and in the interests of protecting pupils, staff or the wider school community.

Before implementing a safeguarding-related separation, the Headteacher or delegated senior leader will consider:

the nature and seriousness of the safeguarding concern;
the views of relevant staff;
the impact on all pupils involved;
duties under the Equality Act 2010;
duties under the Human Rights Act 1998; and
whether alternative measures could adequately manage the risk.

Parents will be informed as soon as reasonably practicable where a safeguarding-related separation is implemented.

Safeguarding-related separation will be reviewed regularly and will remain in place only for as long as necessary. Appropriate arrangements will be made to support reintegration where appropriate.

Safeguarding-related separation will not be used as a substitute for suspension or permanent exclusion where the statutory exclusion process should properly apply.

Roles and responsibilities

The Headteacher/Head of School is responsible for:

- Promoting, among pupils, self-discipline and proper regard for authority so that all pupils can benefit from the educational opportunities the school provides.
- Encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils.
- Applying the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt' 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 process, as outlined in the Special Educational Needs and Disability (SEND) Policy.
- Consideration can be given to the pupil's behaviour outside of school.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, bullying or has an identified mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions as a sanction, e.g. if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Take the pupil's views into account, considering these in light of their age and understanding, before deciding to suspend or exclude, unless it would be appropriate to do so.
- Determining whether a pupil will be suspended/excluded on disciplinary grounds.

- Withdrawing any suspensions/exclusions that have not been reviewed by Governor representatives, where appropriate.
- Ensuring any decision to exclude is lawful¹ rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to 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 exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the Local Governing Committee and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- If applicable notify Virtual School Heads and Social Workers.
- Notifying the Local Governing Committee once per term of any suspensions not already notified.
- Notifying a pupil's parents without delay where the decision is taken to 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.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged

The Local Governing Committee will:

- Provide to the Secretary of State, within 14 days of a request, certain information about any pupils suspended or permanently excluded within the last 12 months.
- Ensure that suitable full-time education is arranged for any pupil of compulsory school age suspended on a fixed-term basis, from the sixth day.
- A sub-committee of at least three Local Governing Committee (LGC) members must be convened to conduct Suspension Hearings. These members can come from across the Trust if three governors cannot be identified from the excluding school.
- Considering parents' representations about suspensions within 15 school days of receiving notice if the appropriate requirements are met.
- Where a suspension or exclusion would result in a pupil missing a public examination or test, considering the suspension/exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Invite to the meeting; parents (and, where requested, a representative or friend); the pupil (if over 18); the headteacher; child's social worker (if applicable); the VSH if the child is LAC. A representative from the LA can be invited but can only make representations with the governing board's consent.

¹ with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010

- Adhering to its responsibilities to consider the reinstatement of pupils. If the Trust's articles of association allow this may be considered by a small sub-committee. Where a managed move, off-site direction or alternative placement is being considered for a pupil who has a social worker, the social worker will be informed and involved in planning and decision-making processes wherever reasonably practicable.
- Where a pupil is looked after, the Virtual School Head will be informed and engaged at the earliest opportunity.
- Considering the interests and circumstances of the excluded pupil, including the circumstances in which they were excluded, and have due regard to the interests of others at the school/Trust
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or exclusion.
- Challenge the decision to suspend/exclude to ensure it is lawful.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's parents, the Headteacher/Head of School and LA of its decision and the reasons for it, without delay.
- Notifying (if applicable) the VSH/Social Worker, without delay.
- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the suspensions review panel.
- receive regular reports regarding suspensions, permanent exclusions, repeat suspensions and pupil movement
- scrutinise suspension and exclusion data for vulnerable groups, including pupils with SEND, disadvantaged pupils, looked after children, previously looked after children and pupils with social workers;
- monitor patterns and trends over time;
- seek assurance that exclusion practices are lawful, reasonable, fair and proportionate; and
- challenge any disproportionate outcomes identified through monitoring activities.
-

The Clerk to the suspension/exclusion Review panel is responsible for:

- Making reasonable efforts to inform the appropriate individuals that they are entitled to:
 - Make written representations to the panel.
 - Attend the hearing and make oral representations to the panel.
 - Be represented.
- Making reasonable efforts to circulate copies of relevant papers at least five school days before the review to all parties.
- Giving all parties details of those attending and their role, once the position is clear.

- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel.

The Trust /Trust Clerk is responsible for:

- The Trust Clerk should not have served as a clerk to the Governing Committee in any prior meeting relating to the decision.
- Arranging for an independent review panel hearing to review the decision of the Local Governing Committee (LC) representatives not to reinstate a permanently excluded pupil where required.
- Arranging the hearing without delay at a time, date and venue convenient for all parties. The panel meeting can (if all parties agree) take place via Teams.
- Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories. 2
- Appointing a clerk to provide advice to the panel and parties to the review on procedure, law and statutory guidance on suspensions.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

The LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of Looked after Children (LAC).
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school/Trust
- Reviewing and reassessing pupils' needs in consultation with their parents where they have an Education Health Care (EHC) plan and are excluded permanently, with a view to identifying a new placement.

Grounds for suspension

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

- The following examples of behaviour may underline the school's decision to exclude a pupil:
 - Any incident which poses a risk to the safety and/or well-being of other pupils or members of staff, e.g. bringing a weapon onto the premises
 - Any incident which breaches the law
 - Any forms of persistent and severe bullying
 - Verbal and physical abuse

² 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 (of a maintained school, members of a PRU management committees and directors of academy trusts) who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or headteachers during that time. • Headteachers or individuals who have been a headteacher within the last five years. Headteachers/principals/teachers in charge of a PRU and governors/management committee members of maintained schools, PRUs and Academies are eligible to be members of IRPs considering a permanent exclusion from any type of school covered by this guidance

- Threatening behaviour to others
- Constant disruption that adversely affects the education of others
- A single, serious and major incident, e.g. serious assault on another individual leading to injury
- Pupils can be excluded on a fixed-period basis, i.e. up to 45 school days within a year, or permanently. Similarly, pupils can be permanently excluded following a fixed-period suspension, where further evidence is presented. A suspension does not have to be for a continuous period.
- In all cases, the Headteacher/Head of School, will decide which suspension period a pupil will be subject to, depending on what the circumstances warrant.

The Headteacher/Head of School power to suspend or exclude

- Only the Headteacher/Head of School, has the power to exclude a pupil from the school, and is able to decide whether this is on a fixed-period or permanent basis. All suspensions will only be issued on disciplinary grounds.
- The Headteacher/Head of School is able to exclude pupils from the premises where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day.
- The Headteacher/Head of School is able to consider a pupil's disruptive behaviour outside of the school premises as grounds for suspension.
- Any decision made to exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and the school's wider legal duties, including the European Convention on Human Rights (ECHR).
- All suspensions will be formally recorded on the pupil information system.
- When sending a pupil home following any suspension, the Headteacher/Head of School will ensure that they exercise their duty of care at all times and will always inform the parents.
- The Headteacher/Head of School will apply the civil standard of proof when responding to the facts relating to a suspension, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.
- The Headteacher/Head of School may withdraw any suspension that has not already been reviewed by the LGC. **Where this is the case:**
 - The headteacher must notify the parents, the governing board, the LA and the pupil's social worker and VSH as applicable, without delay²⁰. The notification must also provide the reason for the cancellation;
 - The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement;
 - Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay;
 - The pupil must be allowed back into the school from which they were excluded 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 (see paragraph 6).
- At all times, the Headteacher/Head of School will consider 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, disability, and will not increase the severity of a pupil's suspension on these grounds.
- The Headteacher/Head of School will not issue any 'informal' or 'unofficial' suspensions, e.g. sending a pupil home to 'cool-off', regardless of whether or not the parents have agreed to this.
- The Headteacher/Head of School will not use the threat of suspension as a means of instructing parents to remove their child from the premises.

Factors to consider when suspending or excluding a pupil

When considering the suspension or exclusion of a pupil, the Headteacher/Head of School will:

- Allow the pupil the opportunity to present their case.
- Consider 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 excluded days per school year, and whether suspension or exclusion 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/Head of School will consider what extra support may be available for vulnerable pupil groups whose suspension rates are higher, to reduce their risk of suspension or exclusion, including the following:

- Looked After Children and previously Looked After Children
- Pupils eligible for FSM
- Pupils with SEND
- Certain ethnic groups

The Headteacher/Head of School will give particular consideration before permanently excluding a pupil who is looked after, has an EHC Plan, or has identified SEND or SEMH needs. The Trust recognises that such pupils are disproportionately represented in exclusion data and will ensure that reasonable adjustments and appropriate support have been considered before a decision is made.

Where any member of staff has concerns about a vulnerable pupil and their behaviour, they will report this using the schools pastoral monitoring system. The Headteacher/Head of School/SENCo or other nominated senior member of staff will instigate a multi-agency assessment to determine

whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities.

In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or diagnosed with SEMH issues be excluded without reasonable adjustments being considered.

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

The Headteacher/Head of School/SENCo or other nominated senior member of staff will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

Duty to inform parents

Following the Headteacher/Head of School's decision to suspend or permanently exclude a pupil, parents will be immediately informed, in person or by telephone, of the period of the suspension or permanent exclusion and the reasons behind this.

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

- The reason(s) for the suspension or permanent exclusion
- The length of the fixed-period suspension or, for a permanent exclusion, the fact that it is permanent
- Their right to raise any representations about the suspension/permanent exclusion to the LGC, including how the pupil will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the LGC to consider the suspension/permanent 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/Head of School or other nominated senior member of staff will inform the parents by the end of the afternoon session that:

- For the first five days of the suspension/permanent exclusion (or until the start date of any alternative provision or the end of the suspension where this is earlier), parents 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/Head of School/SENCo or other nominated senior member of staff has arranged alternative provision, they will also inform the parents 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/Head of School/SENCo or other nominated senior member of staff 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, the Headteacher/Head of School or other nominated senior member of staff is able to give less than 48 hours of notice, with parental consent.

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

Duty to inform social workers and Virtual School Heads

The WLP recognises the importance of information sharing in relation to its responsibility to safeguarding children and promote their welfare.

Where excluded or suspended pupils have a social worker, the Headteacher/Head of School will without delay inform the pupils social worker. Where the excluded pupil is LAC³, the Headteacher/Head of School will notify the Virtual School Head (VSH).

Both the social worker and/or VSH, must be informed when a governing board meeting is taking place, in order to share information. The social worker and/or the VSH can attend the meeting, should they wish to do so.

Duty to inform the Local Governing Committee (LGC) and Local Authority (LA)

The Headteacher/Head of School or other nominated senior member of staff will inform the Local Governing Committee and Local Authority without delay, of the following:

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

For any suspensions, other than those above, the Headteacher/Head of School/ or other nominated senior member of staff will notify the LGC/LA once per term. This information is included in the school census which the LA collects one per term.

³ If the pupil is previously looked-after (PLAC) the VSH should provide advice and information, upon request from relevant parties but does not have a corporate parent role that they have for LAC.

All notifications to the LGC/LA will include the reasons for exclusion and the duration of any fixed-period exclusion.

If the pupil who is suspended/permanently lives outside the LA in which the school/Trust is located, the Headteacher/Head of School/ or other nominated senior member of staff will notify the pupil's 'home authority'.

Arranging education for suspension/permanent exclusion pupils

For any fixed-period suspensions of more than five school days, the LGC will ensure that the school/Trust arrange suitable full-time education for the pupil, which will begin no later than the sixth day of suspension.

Where a pupil receives consecutive fixed-period suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension.

For permanent exclusions, the LA must arrange suitable full-time education for the pupil from the sixth day of exclusion.

The LGC will not ask the school to 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 LGC is aware that it is beneficial to suspended pupils to begin their alternative education arrangements before the sixth day of suspension. The LGC will ensure that the school/Trust always attempt to arrange alternative provision before the sixth day of suspension.

Where it is not possible to arrange alternative provision during the first five days of suspension, the school/Trust will ensure that they take reasonable steps to set and mark work for the excluded pupil.

If a pupil with SEND has been excluded, the LGC will ensure that:

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

Considering suspension/permanent exclusions

The LGC representatives will consider any representations made by parents in regard to a suspension/permanent exclusion.

Parents and, where requested, a friend or representative and the Headteacher/Head of School will be invited to attend any consideration of suspension/permanent exclusion. [Those in attendance providing support to the parent/carer may make representation it permitted to do so by the panel.](#) The Headteacher/Head of School may also invite other members of staff to attend. The school/Trust does not have to invite a [member](#) from the LA to the suspension/permanent exclusion review, but they can choose to do so.

Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

The LGC **member** will consider the reinstatement of a suspended/ excluded pupil, where:

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

In the case of a fixed-period suspension where the pupil's total number of suspended days is more than 5 but less than 15 school days within a term, if requested by the parents, the LGC **members** will consider suspensions within 50 school days of receiving notification.

In the case of a fixed period suspension, where the pupil's total number of suspended school days does not amount to more than five, in the absence of any such representations, the LGC is not required to meet and cannot direct the reinstatement of the pupil.

Where suspension/permanent exclusion would result in a pupil missing a public examination, the LGC will consider the suspension/permanent exclusion before the test to decide whether the pupil should be reinstated in time to take the examination. If it is not practicable for a sufficient number of governors to consider the decision before the examination, a smaller sub-committee will consider the suspension/permanent exclusion and decide whether or not to reinstate the pupil. In light of the above, the LGC will also consider whether it would be appropriate to allow the suspended/permanent excluded pupil to enter the premises to take the examination.

When considering the reinstatement of a suspended/excluded pupil, the LGC **members** will:

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

Reintegration after suspension or off-site direction:

The Headteacher/Head of School/SENCo or other nominated senior member of staff will ensure the necessary support is in place for suspended pupils to reintegrate successfully back into school life and full-time education. Reintegration processes will ensure that:

- It offers the pupil a fresh start; helps them understand the impact of their behaviour on themselves and others;
- teaches them to how meet the high expectations of behaviour in line with the school culture;
- fosters a renewed sense of belonging within the school community;

- builds engagement with learning

Following a suspension, schools will make reasonable efforts to hold a reintegration meeting with the pupil and parent before or shortly after the pupil's return to school.

The purpose of the meeting is to:

- Review the circumstances leading to the suspension.
- Establish support required for a successful return.
- Identify any reasonable adjustments.
- Re-establish expectations regarding conduct and attendance.

The Headteacher/Head of School/SENCo or other nominated senior member of staff will ensure that the strategy is clearly articulated during the reintegration meeting. During the meeting, leaders will set out the steps in place to ensure a successful reintegration. This may include:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school;
- Daily contact with a designated pastoral professional in-school;
- Use of a report card with personalised targets leading to personalised rewards;
- Ensuring the pupil receives academic support upon return to catch up on any lost progress;
- Planned pastoral interventions;
- Mentoring by a trusted adult
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage;
- Informing the pupil, parents and staff of potential external support.

The Headteacher/Head of School/SENCo or other nominated senior member of staff will ensure that a part-time timetable is not used to manage a pupil's behaviour and is only in place for the shortest time necessary. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time, either at school or alternative provision.

Off-site directions

The Headteacher may direct a pupil off-site to alternative provision to improve behaviour, where this is lawful, proportionate and in the pupil's best interests.

Off-site direction will normally form part of a planned intervention strategy and will be considered where earlier interventions have not secured sufficient improvement.

Prior to making an off-site direction, the school will:

- seek and consider the views of the pupil;
- seek and consider the views of parents;
- ensure the receiving provider is suitable;
- confirm that safeguarding arrangements are robust;
- identify intended outcomes and success criteria;
- determine the duration of the placement;

- establish review arrangements; and
- consider reintegration arrangements from the outset.

The Headteacher will provide written notification to parents including:

- the reason for the off-site direction;
- details of the provision;
- start date and expected duration;
- arrangements for attendance and transport where applicable;
- review arrangements; and
- intended behavioural and educational outcomes.

The school will maintain oversight of attendance, safeguarding, welfare, behaviour and educational progress throughout the placement.

Review meetings will take place at appropriate intervals and will involve the pupil, parents and relevant professionals.

The school remains responsible for the pupil's educational outcomes, attendance, safeguarding and welfare during any period of off-site direction.

Key points for consideration before commissioning Alternative Provision

Have the pupil, parents and relevant teacher(s) been spoken to before a decision about alternative provision has been made?

- What other considerations are there, such as transport arrangements?
- What does the pupil want, or need, to get out of the provision?
- How long should the provision be for?
- Is it part time or full time?
- How will it fit with the pupil's mainstream curriculum?
- What will success look like at the end of the provision?
- What outcomes do we hope to achieve – particularly in the areas of attendance, attitude, attainment, behaviour and positive destinations?

All placements must comply with the Trusts guidance on Alternative Provision Planning and Commissioning of Placements.

Governing bodies will review the length of time pupils spend in another setting.

Placements will be reviewed between the school, parents the pupils and other relevant agencies. Where possible these review meetings should be recorded in writing.

If the placement is longer deemed appropriate parents will be informed without delay.

Schools will ensure that pupils accessing off site provision are receiving a broad and balanced curriculum. Prior to commissioning alternative provision, the school will satisfy itself that:

- Appropriate safeguarding arrangements are in place.
- Staff suitability and DBS requirements have been met.
- Attendance reporting arrangements are established.
- Progress and behaviour reporting arrangements are agreed.
- A named school leader maintains oversight of the placement.
- Reintegration arrangements are considered from the outset where appropriate.

The school remains accountable for the educational outcomes, attendance, safeguarding and welfare of any pupil placed in alternative provision.

Schools will follow the duties outlined in the Equality Act 2010 and the Children's and Families Act 2014 where applicable.

Managed moves

A managed move is a voluntary agreement between schools, parents and the pupil to facilitate a change of school placement.

Managed moves will only take place where all parties agree that the arrangement is in the pupil's best interests.

Before a managed move is agreed:

- the pupil's views will be sought and considered;
- parents will be fully consulted;
- safeguarding information will be shared appropriately;
- relevant professionals will be consulted where appropriate; and
- the proposed receiving school will confirm that it is willing and able to admit the pupil.

Trial managed moves are not lawful and will not be used by schools within the Trust.

Managed moves must not be used to circumvent the School Admissions Code or normal admissions processes.

A pupil will not be suspended or permanently excluded solely because they or their parents refuse a managed move.

Where a pupil has a social worker, the social worker will be informed and involved in discussions regarding a proposed managed move.

Managed moves will not be used as an alternative to permanent exclusion where the legal test for permanent exclusion is met.

Reaching a decision

After considering suspensions/exclusions, the LGC members 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 fixed-period suspension or the parents make clear they do not want their child reinstated, the LGC members will still consider whether the pupil should be officially reinstated, and whether the Headteacher/Head of School's decision to exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The LGC members will apply the civil standard of proof when responding to the facts relating to a suspension/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 LGC members 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/exclusion of the pupil was lawful, proportionate and fair, considering the Headteacher/Head of School's legal duties and any evidence that was presented to the LGC representatives in relation to the decision to suspend/exclude.
- 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 an exclusion but cannot reinstate the pupil.

Notification of considered exclusions

The LGC members will notify the parents of the suspended/excluded pupil, the Headteacher/Head of School and the LA of their decision following the consideration of an exclusion, in writing and without delay.

In the case of a permanent exclusion, where the LGC members decide not to reinstate the pupil, they will notify the parents:

- That it is permanent, and 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 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 LGC to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

The LGC members will also notify parents that, if they believe an 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 LGC member will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

Removing permanently excluded pupils from the school register

The Headteacher/Head of School will remove pupils from the school register if:

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

If an application for an independent panel review has been made within 15 school days, the Headteacher/Head of School will wait until the review has been determined, or abandoned, and until the LGC members have 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/Head of School will make a return to the LA, which will include:

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

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

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

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

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

Independent review panel

If the parents submit their application for this within the required time frame, the Trust Board is responsible for establishing an independent appeals panel, in line with statutory guidance on exclusions. Advice and support should be sought from the Governance Clerk. The Trust Board will constitute an independent review panel of three or five members that represent the following categories:

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

Parents are required to submit their applications within:

- 15 school days of the LGC members' notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of this timeframe will not be reviewed.

Parents are able to request an independent panel review even if they did not make a case to, or attend, the LGC representatives' initial consideration of the exclusion.

The Trust Board will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Exclusion from maintained schools, academies and pupil referral units in England' 2026. This includes meetings being held via the use of remote access (for example, live video link) for suspension and permanent exclusions if requested by the parents, provided certain criteria are satisfied (see section 11 of Suspensions and permanent exclusions guidance September 2026). Meetings held via the use of remote access should not be a default option and face to face meetings should always be encouraged.

Appointing a SEND expert

If requested by parents in their application for an independent review panel, the Trust Board will appoint a SEND expert to attend the panel and cover the associated costs of this appointment.

The Trust Board 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.

Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school/academy recognises that their child has SEND.

The SEND expert's role is set out in section 18 of this policy.

An individual will not serve as a SEND expert if they have, or at any time have had, any connection with the Trust Board, school/Trust, 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 Board.

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 might 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 Board 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 Board, 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 Board 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 Board 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.

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

The role of a SEND expert

The SEND expert's role is comparable 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 assessing 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.

Appointing a clerk

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

Where a clerk is appointed the Trust Board will ensure that the clerk did not serve as clerk to the LGC representatives when the decision was made not to reinstate the pupil.

The role of a clerk

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

The clerk will:

- Identify, in advance of the meeting, whether the excluded pupil wishes to attend the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance.
- Identify, in advance of the meeting, whether any alleged victims of the incident(s) leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.
- Ensure that the panel is able to hear from any witnesses to the incident(s) leading to the exclusion, considering the fact that some of these people may be pupils at the school/Trust. Pupils under 18 will not be allowed to appear in person without parental consent.
- Inform the parents, Headteacher/Head of School, LGC and the Trust Board, that they are entitled to make oral and written representations to the panel, attend the hearing, and be represented.

Ensure that all parties are:

- Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
- Informed about who is attending the meeting, and what their roles are.
- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.

Where a clerk is not appointed, the Trust Board will undertake the functions outlined in section 19 of this policy.

The duties of independent review panel members in the conduct of a review panel

The role of the panel is to review the LGC representatives' decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school/Trust.

The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

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

- Uphold the decision.
- Recommend that the LGC reconsiders reinstatement.
- Quash the decision and direct that the LGC reconsiders reinstatement.

The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents, the LGC, Headteacher/Head of School and the Trust Board.

Reconsidering reinstatement following a review

Where the independent review panel instructs the LGC 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/Trust is aware that if, following an instruction to reconsider, the LGC does not offer to reinstate the pupil, then the school/Trust will be required to make a payment of £4,000 directly to the LA area in which the school/Trust is located.

Where the independent review panel recommends that the LGC 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.

If, following reconsideration, the LGC offers to reinstate the pupil but the parents decline, no adjustment will be made to the Trust's budget.

Following reconsideration, the LGC will notify the parents, the Headteacher/Head of School and the LA of their reconsidered decision and the reasons for this.

Criminal investigations

The Headteacher/Head of School will not postpone taking a decision to exclude a pupil due to a Police investigation being underway, or any criminal proceedings that are in place.

The Headteacher/Head of School will give particular consideration when deciding to exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the LGC is required to consider the Headteacher/Head of School's decision in these circumstances, they will not postpone the meeting and will decide based on the evidence available.

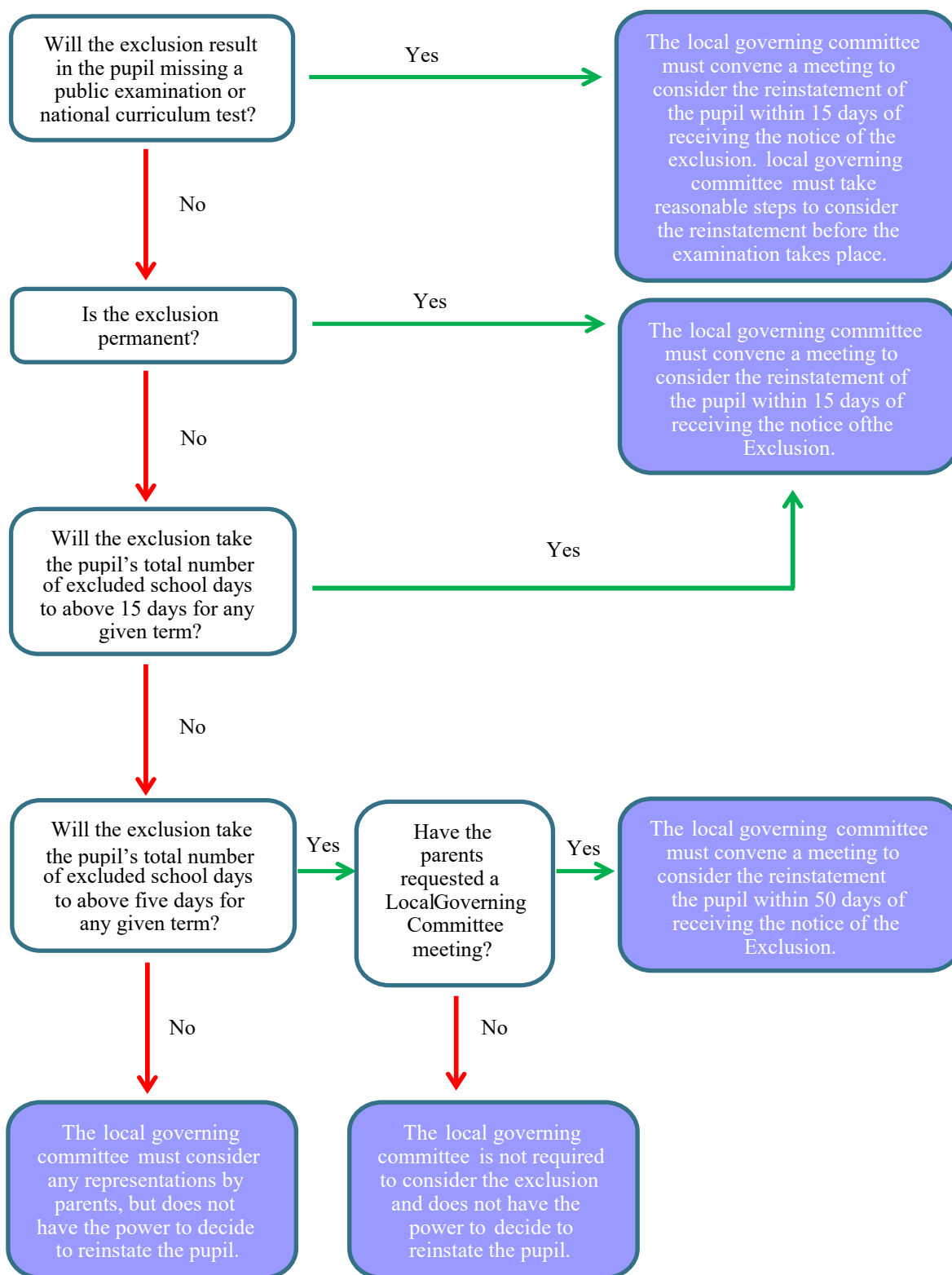
Training requirements

Training for Headteachers, senior leaders, governors, trustees, panel members and clerks will include:

- statutory suspension and permanent exclusion procedures;
- Equality Act 2010 duties;
- SEND considerations;
- safeguarding-related separation;
- off-site direction powers and responsibilities;
- lawful use of managed moves;
- pupil voice requirements;
- Human Rights Act considerations;
- governing board responsibilities for monitoring exclusion data; and
- developments in relevant legislation, case law and statutory guidance.

Schools will ensure staff involved in suspension, exclusion, managed moves and off-site direction decisions remain familiar with current DfE statutory guidance.

Appendix A: Reviewing the Headteacher/Head of School's Exclusion Decision



WLP Exclusions Guidance



Introduction

Unfortunately, from time to time, Academies within the WLP ("the Trust") have to suspend pupils on a Fixed-Period or permanent exclusion basis.

Where a pupil is suspended, a pupil's parents/carers should be informed of the decision. If a pupil is suspended for more than 15 days within a Term or permanently excluded then the matter should be referred to a panel of the Local Governing Committee (**LGC**).

This guidance has been provided to assist all parties who may become involved in Suspensions/Permanent Exclusions.

Scope and Purpose of this guidance and who it applies to

1. This guidance has due regard to the legal requirements placed on the Trust in respect of Suspensions/Permanent exclusions.
2. The guidance applies to:
 - Pupils
 - Parents
 - Academy Headteacher
 - Trust Staff supporting the Suspensions/Exclusions Process
 - LGC governors involved in the Suspensions/Exclusions Process
 - Trustees involved in the Suspensions/Exclusions Process

Publication of this Guidance

3. This guidance will be available to all staff, members of Trust governance, pupils and parents and members of the public and will be available to them as needed. Guidance on any aspect can be obtained from the Trust's [Clerking](#) Service.

Responsibility for this Guidance

4. The Trust Board has overall responsibility for the effective operation of this guidance and for ensuring compliance with the relevant statutory framework. The Trust has delegated day to day responsibility for operating this guidance to the Trust Executive

5. The LGC and Senior Leadership Team in each Academy have a specific responsibility to ensure the fair application of this guidance and all members of staff are responsible for supporting colleagues and ensuring its success.
6. Trust employees should pay particular regard to any item mentioned in the guidance as **must** and should undertake the same and are also advised to follow anything mentioned in the guidance as **should**.

Aims of this Guidance

7. To set out how the Trust will deal with Fixed-Period Exclusions and Permanent Exclusions.
8. To support the values of the Trust and its Academies.

Other Documents

9. This Guidance does not cover all aspects of Suspensions/Permanent Exclusions and should therefore be read in conjunction with statutory guidance from the Department for Education. By Law, Academies and panels which review exclusions are required to comply with the DfE Guidance: Suspension and Permanent Exclusion from Maintained schools, academies and pupil referral units in England, including pupil movement – July 2026.

Suspension/Permanent Exclusion as a Last Resort

10. The boundaries of acceptable behaviour in the Trust's Academies are clearly set out in the Trust's Behaviour Policy and Academy Behaviour Guidance. The policy and guidance are available on the Trust and Academy websites.

Required 2026 Checks

Before any permanent exclusion, the Headteacher must be able to evidence:

- ☐ The pupil's views have been formally sought and recorded.
- ☐ Parents have had an opportunity to make representations.
- ☐ Safeguarding-related separation has been considered (where relevant).
- ☐ Off-site direction has been considered (where appropriate).
- ☐ Alternative provision has been considered.
- ☐ Where appropriate, a managed move has been considered and any decision not to pursue this option has been documented.
- ☐ The pupil's social worker has been consulted where applicable.
- ☐ The Virtual School Head has been informed where appropriate.
- ☐ Reasonable adjustments have been considered.
- ☐ Evidence demonstrates that permanent exclusion represents a genuine last resort.
- ☐ The impact of exclusion on the pupil and wider school community has been fully considered

The types of Formal Suspension/Exclusion

11. Pupils cannot and will not be removed from a Trust Academy for any other reason than a formal exclusion. They cannot be asked to:
 - stay away;
 - work at home; or
 - be sent home to cool off even if parents agree to the same.

12. Any of the above are illegal will not be tolerated by the Trust Board and should be reported to the Governance Professional for referral to the Trust Board.
13. There are 2 types of formal exclusions:
- **A Fixed-Period Suspension** – A pupil can be suspended for a fixed period of part of an academy day (e.g. a lunchtime⁴) or one or more academy days. They cannot be suspended on a Fixed-Period basis for more than 45 days cumulatively in an Academic year unless it is a permanent exclusion.
 - **A Permanent Exclusion** – When a pupil is removed from the register of the Academy; with the local authority (LA) having to find alternative provision for them. The LGC and the LA **must** be informed by the Academy Headteacher of any permanent exclusion.

The 4 Stages of the Suspension/Exclusions Process

Headteacher's Decision to Suspend/Exclude a Pupil

14. Only the Headteacher can make the decision to suspend or permanently exclude a pupil.⁵ This must be on disciplinary grounds for a breach of the Trust's Behaviour Policy / Academy Behaviour Guidance. In making the decision to suspend or permanently exclude a pupil, they should consider the matters referred to in DfE: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (September 2026).. The Trust would recommend that a meeting takes place with the pupil's parents or carer before making the decision to suspend or permanently exclude. This is to ensure all relevant mitigation evidence has been taken before a decision is reached.
15. Where a pupil becomes at risk of Permanent Exclusion, the Academy must complete and retain the Pre-Exclusion Checklist which appears in Appendix 1 for pupils at risk of Permanent Exclusion.
16. Following a decision to suspend or permanently exclude, the Headteacher should notify the parents/carers of the pupil as soon as possible either in person or via telephone. They must also confirm the decision in writing. All correspondence to parents should be accompanied by the Trust Guidance to Parents and Carers which appears at Appendix 2.
17. Following a decision to either:
- Permanently exclude a pupil;
 - Issue a Fixed-Period suspension to a pupil for a total of more than 5 academy days in a term or
 - Issue a Fixed-Period suspension to a pupil which would result would result in the pupil missing a public exam,
 - The Headteacher should inform both the LA, the LGC and the Trust's Governance Professional. Headteachers should familiarise themselves with any other notification procedure used in their LA area. The LGC should be notified by the letter to parents being copied to the Chair of the LGC.

⁴ A lunchtime exclusion counts as a half day exclusion for statistical purposes.

⁵ [Section 51A Education Act 2002](#) and

[Regulation 21 of the Academy Discipline \(Student Exclusions and Reviews\) \(England\) Regulations 2012](#) includes Acting Principals

18. For the first 5 days of a Fixed-Period suspension, the Academy must set work for the pupil and have it marked. The pupil should be referred to the MyLearning Platform or work should be sent by email or post and the pupil's parent should be asked to acknowledge receipt. Should the pupil fail to return work for marking this should be documented and referred to at the Suspension Review Panel Meeting.

Suspension/Permanent Exclusion Review Panel Meeting

19. Whenever parents make representations about any suspension/ permanent exclusions that take place, the Academy LGC is obliged to consider them.
20. For a Fixed-Period suspension that brings a pupil's total suspended days to more than 5 but less than 15 for the term, the LGC must consider reinstatement within 50 academy days if parents request this. In the absence of any representations from the parents, or where the suspension would not take the pupil's total days of exclusion above five for the term (even where representations are made), the LGC cannot direct reinstatement.
21. Permanent exclusions and Fixed-Period suspension that would mean that the pupil has been excluded/suspended for more than 15 academy days in a single term, must be reviewed within 15 academy days of the LGC being notified, regardless of whether the parents make representations.
22. Where a pupil's permanent exclusion or fixed-period suspension would cause them to miss a public examination, the LGC must make reasonable efforts for a suspension/permanent Exclusion Review Panel to meet and review the decision before the date of the exam; otherwise, they must review such a decision within 15 days. Exceptionally in this case, the Chair of the LGC may sit alone and determine whether to reinstate the pupil.
23. The LGC may request that a pupil in these circumstances takes their exam away from other pupils.

Composition of the Suspension/Permanent Exclusion Review Panel (the Panel)

24. Suspension/ Exclusion Review Panels are formed from LGC Governors. The Panel should consist of three LGC governors. To aid the management of conflict of interests, the Panel should know the identity of the pupil before the Panel meets and Panels should, initially, be sourced from the Academy LGC, to which, the pupil attends. If it is not possible to form a Panel from within the Academy's LGC, an appropriate governor from an LGC of another Academy, within the Trust, may be used.
25. The Trust will use all reasonable endeavours to ensure that a Panel will meet within 15 academy days of the suspension/permanent exclusion at a date and time that is convenient to the parties and in compliance with the 15-academy day deadline. A decision of the Panel will not be invalid simply on the grounds that the deadline could not be met.
26. All Panels will be clerked by the **Trust's Governance Professional** or their nominee. The Chair will be decided, by the Panel.

Papers for the Exclusion Review Panel Meeting

27. Those members of Trust staff preparing papers for the Panel must take steps to protect sensitive information in the papers. The information the Panel receives must not be shared with anyone

outside of the Panel or the parties. The Panel are responsible for the information they receive. The following further steps should be taken by the Trust staff preparing papers:

- Names of other pupils should be redacted and replaced with Pupil A/B/C etc. to aid the parties and the Panel in following a narrative of the events that led to the pupil's fixed term suspension/permanent exclusion.
- The pack should consist of single sided documents with blank pages being avoided and should be paginated.
- The Panel will often receive a PDF copy of the pack but a hard copy must be made available to any governor on the Panel or any other person attending the Exclusion Review Panel Meeting. The pack should be provided to the Panel and the parties at least 5 academy days before the meeting.
- The Panel should surrender any printed papers at the conclusion of the meeting and any notes that they make during the course of the meeting.
- If a party or a governor on the Panel becomes aware that their pack has become lost/stolen or inappropriately shared they should notify the Trust's Governance Professional of the same including what information has become misplaced, the circumstances of how it occurred and what they have done to remedy the situation.

28. Templates for the contents of packs appear at Appendix 3 and Appendix 4. Parents and Pupils may make written submissions in advance of the Exclusion Review Panel Meeting and should be encouraged to do so. If they make written submissions on the date of the Exclusion Review Panel Meeting, it is a matter for the chair to decide whether they can be accepted. Generally, they should be accepted unless they are lengthy in which case the Panel should adjourn.

29. The pack must include an Agenda. A template appears at Appendix 5. The Panel should appreciate that variations to the agenda may occur. Most commonly by parents not separating the questioning of the Academy's case and the presentation of their case.

The Basis of a Panel's Decision

30. When considering whether to reinstate a pupil, the Panel needs to consider the interests and circumstances of the excluded pupil including the circumstances in which the pupil was excluded **and** the interests of other pupils and staff working in the Academy.

31. The Panel must be satisfied that any exclusion is lawful, rational, reasonable, fair and proportionate. The Headteacher must demonstrate that the decision to issue a Fixed Period exclusion or Permanent exclusion was not discriminatory and/or fails to address any underlying reasons for the behaviour exhibited including additional support for Special Educational Needs which the pupil may have.

32. The Panel needs to reach its decision on the balance of probabilities, that it was more likely than not that the facts occurred as alleged by the Academy. The Panel needs to satisfy itself that the Academy's procedures relating to the Trust's Behaviour Policy / Academy Behaviour Guidance have been carried out fairly and properly and that the decision to exclude was lawful and reasonable taking account of the evidence presented.

33. The Panel is not there to rubber stamp the Headteacher's decision but to objectively consider whether the action was procedurally fair, legal and reasonable. If collectively the Panel has doubt they should be prepared to overturn an exclusion.

Questioning of the Parties

34. The Panel are encouraged to carefully examine all aspects of the Academy's case and, in the event that parents/carers fail to attend the meeting, satisfy themselves that any questions that would have been asked by the parents/carers is asked for the purposes of a complete record. Suggested Questions for the Panel appears at Appendix 6.
35. At any point prior to deliberations, the Panel may decide an adjournment is required to review additional evidence/documentation submitted by the parties or to allow parties to submit additional evidence or pursue alternatives to exclusion. In determining the length of the adjournment, consideration must be given to the effect of adjournment on the parties to the review, the excluded pupil and their parents.
36. If there are back-to-back review meetings scheduled for pupils involved in the same incident, the Panel must treat each meeting as a wholly separate proceeding and fully carry out the agenda, regardless of the fact that they have just heard the same evidence in a prior meeting or asked the same questions of the Academy. This is because parents and other participants in each meeting have the right to hear the full evidence and questioning by the Panel and respond accordingly.

Deliberations

37. Following each party being allowed to sum up their case, all parties other than the Panel and the clerk will leave the meeting. The Panel chair will work with the Panel and the clerk through a checklist to ensure the Panel have considered all aspects of the case. A copy of the checklist appears at Appendix 7.

The Decision

38. Unanimity is not required and two governors on the Panel may override the decision of a third.
39. When reviewing a Fixed-Period exclusion or Permanent exclusion, the Panel can come to one of two decisions:
- Decline to reinstate the pupil; or
 - Direct the reinstatement of the pupil immediately or by a particular date.
40. In the case of a Fixed-Period exclusion, if the Panel wishes to direct reinstatement but cannot because the period the pupil was to be out of the Academy has expired and the pupil has returned to the Academy, they can place a copy of the findings on the pupil's records.
41. Following a decision by the Panel, the clerk will draft a decision letter to be approved by the Chair and sent to the parents/carers within 5 academy days of the meeting date. The letter will summarise the Panel's reasons for the decision.
42. The clerk will also draft minutes of the meeting to be kept on file. Should minutes be requested by the parent, the clerk will provide these to the parents/carers within 5 academy days of the request.
43. Where the Panel declines to reinstate the permanently excluded pupil, parents have a right to seek a review by an Independent Review Panel. The clerk will include in the decision letter a

date by which parents must make this request. The request must be made in writing and must contain the reason(s) why the parents/carers feel the decision was incorrect or unlawful.

44. There is no right of appeal from a decision of a Panel to uphold a Fixed-Period exclusion, although it has been known for parents to make representation to the Department for Education.

Independent Review Panel (IRP)

45. If requested by the parent, an IRP needs to take place to review the decision of the Panel. The responsibility to arrange the IRP lies with the Trust. Academy Headteachers who receive a request should immediately liaise with the Governance Professional. An IRP should be arranged within 15 academy days of a request. The composition and qualification of the IRP is determined by law. The IRP hearing is strictly independent.

46. The IRP is empowered to:

- Uphold the decision of the Panel
- Recommend that the Panel reconsider their decision; or
- Quash the decision and direct that the Panel reconsider the exclusion.

47. The Academy Headteacher and the Chair of the Panel will need to attend the IRP. The Governance Professional will support them with this attendance.

48. When considering the Panel's decision in light of the principles applicable in an application for judicial review, the IRP panel will apply the following tests:

- Illegality – did the Panel act outside the scope of its legal powers in deciding that the pupil should not be reinstated?
- Irrationality – did the Panel rely on irrelevant points, fail to take account of all relevant points, or make a decision so unreasonable that no Panel acting reasonably in such circumstances could have made it?
- Procedural impropriety – was the Panel's consideration so procedurally unfair or flawed that justice was clearly not done?

49. Procedural impropriety means not simply a breach of minor points of procedure but something more substantive, that has a significant impact on the quality of the decision-making process. This will be a judgement for the Panel to make, but the following are examples of the types of things that could give rise to procedural impropriety: bias; failing to notify parents of their right to make representations; the Panel making a decision without having given parents an opportunity to make representations; failing to give reasons for a decision; or being a judge in your own cause (for example, if the Headteacher who took the decision to exclude were also to vote on whether the pupil should be reinstated).

50. Where the criteria for quashing a decision have not been met, the IRP should consider whether it would be appropriate to recommend that a Panel reconsider its decision not to reinstate the pupil. This should not be the default option but should be used where evidence or procedural flaws have been identified that do not meet the criteria for quashing the decision, but which the IRP believe justify a reconsideration of the original Panel's decision. This could include when new evidence presented at the review hearing was not available to the Panel at the time of its decision.

51. In all other cases the IRP should uphold the exclusion.
52. The IRP's decision cannot be appealed and their decision is final. Parents may seek a Judicial Review of the IRP's decision in the High Court. This must be done within 3 months after receiving the letter informing them of the decision.

Claims for Discrimination

53. Parents/carers may decide to apply to the First Tier Tribunal (Special Educational Needs and Disability) or issue a claim in the County Court if they feel an exclusion was discriminatory. If Academy Headteachers become aware of such a claim they should immediately inform the Chief Executive and the Governance Professional who will instruct the Trust's solicitors in respect of the matter and inform the Risk Protection Arrangement for academies.
54. There are six ways in which an Academy can be found to have discriminated against a pupil. There are described in the Equality Act 2010. The definitions are complex and this explanation, because it is a summary only, should not be treated as the complete guide to the law.
55. Discrimination may be:
- Unfavourable treatment arising from a protected characteristic.
 - Disadvantage caused by a failure to make reasonable adjustments for the pupil.
56. Most claims are based on one or both of the grounds above. The other types of discrimination are:
- Direct discrimination
 - Indirect discrimination
 - Harassment
 - Victimisation

Post Review

57. By law, the LGC must ensure that pupil's name is removed from the Academy admissions register only if one of the following two criteria have been met:
- 15 academy days have passed since the parents were notified of the Panel's decision to not reinstate the pupil and no application has been made for an independent review panel; OR
 - The parents have stated in writing that they will not be applying for an independent review panel; OR
 - If the appeal period has expired and there is nothing in writing from the parent, the Academy may take the pupil off the register the day after the appeal period ends.

If a parent notifies the Trust in writing that they do not wish to request an IRP, the Academy may remove the pupil from their register at that point. In the absence of notification in writing from the parent that they decline to appeal, the Academy must wait until the expiration of the appeal period before removing a pupil from the register. Academies are advised to create a clearly defined paper trail evidencing the fact that the parent was advised of the right to appeal and declined to do so.

Appendix 1: Pre-Exclusion Checklist for Pupils at Risk of Permanent Exclusion

Special Educational Need and / or Disability (SEND)	Yes/No	Comment(s)
1. Does the pupil have an Education, Health and Care Plan ("EHCP") (previously a Statement of Special Educational Need)? <u>Avoid suspension/permanent exclusion if possible.</u> Academy should initiate an Emergency Annual Review to determine what additional support or alternative placement may be required; assess the suitability of provision for a pupil's SEND. In addition, the Academy should arrange a Team Around the Child ("TAC") meeting and involve all relevant external agencies. Parents should be involved and minutes of all meetings should be recorded on file.		
2. Does the pupil have a special educational need but no EHCP? Can the Academy demonstrate that they have followed their graduated response for the main area(s) of need? If so, the Academy should arrange a TAC meeting and involve all relevant external agencies to discuss applying for an Education, Health and Care Plan and accessing additional support or an alternative placement. Parents should be involved and minutes of all meetings should be recorded on file.		
3. If the pupil does not have an identified special educational need, has the pupil been assessed by an Educational Psychologist to ensure SEND and/or cognitive difficulties have not been missed?		
4. Has the Academy/parent referred the pupil to Children and Adolescent Mental Health Services ("CAMHS")? If the parent has been asked to refer through the family GP, has this been documented? Evidence from SENCO/Internal evidence and data should be gathered and considered. This is vital if exclusion goes to IRP. SEN Expert will need to have sight of this evidence.		
Child Looked After ("LAC")	Yes/No	Comment(s)
5. Is the pupil LAC?		

Again, <u>avoid suspension/permanent exclusion if possible</u> . Academy's "should co-operate proactively with foster carers or residential care home staff and the local authority that looks after the child." Concerns should be raised immediately with the allocated social worker/VSH, at LAC reviews and Personal Education Plan meeting.		
Safeguarding/Child Protection	Yes/No	Comment(s)
6. Is the pupil subject to a Child Protection ("CP") Plan or on a Child in Need ("CIN") Plan? • Have concerns been raised at CP conferences/core groups/CIN or multi agency meetings? • Is the pupil known to social care /early help? Is there a pending MASH referral? • Is the pupil PA and/or have issues of poor attendance/poor punctuality but no other CP concerns? • Is the pupil on your vulnerable/at risk list and being monitored at Academy or as part of a TAC? • Has the pupil made an allegation against a professional with LADO involvement?		
Other vulnerable / higher risk groups	Yes/No	Comment(s)
7. Does the pupil have special educational needs, but no EHCP? Or belong to one or more of the higher risk groups e.g. physical disability and have specific additional needs, young carers, social or emotional difficulties, minority ethnic, challenging complex behaviour, show signs of engaging in anti-social or criminal behaviour, living in poverty, live in challenging circumstances, for example, adults with issues around poor mental health, substance abuse or domestic violence, parents with learning difficulties, receive Pupil Premium/Free Academy Meals. Has the above been taken into consideration in the decision-making process?		
Age / Year Group	Yes/No	Comment(s)
NOTE: The younger the pupil, the more scrutiny for the exclusion		
8. If Year 7 pupil, did Academy receive behaviour history from primary academy and pay heed to the need for		

interventions? Has Academy allowed sufficient time for interventions to take effect?		
9. If Year 11 pupil, what other alternatives could the Academy consider, ensuring pupil takes full complement of GCSEs they would have sat?		
Interventions	Yes/No	Comment(s)
10. Has the Academy properly published the Trust's Behaviour Policy / Academy Behaviour Policy Guidance to parents and pupils? Ideally on the Academy website, in parent and pupil assemblies, and reinforced through a Home-Academy agreement. The pupil should be completely clear on behavioural expectations.		
11. Does the Academy have a graduated response in place for the 4 main areas of special educational need? (Communication & Interaction; Cognition & Learning; Physical & Sensory; Social, Emotional and Mental Health Needs)?		
12. What has the Academy done to support or tackle the pupil's needs? Ascertain behaviour history. Consider pupil's positive attributes and any positive periods or interventions that worked.		
13. Has Academy tried staff reports, an Individual Behaviour Plan, Pastoral Support Plan, Early Help Assessment, personalised timetable, Learning Support Unit, Academy's multi-agency meeting, other agency involvement?		
14. If Pupil Premium, has the Academy applied further funding to support the pupil? Academy need to evidence they have spent any additional funding first on resources to support the child holistically and the expected outcome.		
15. If behaviour presented has been a risk to themselves or others previously, was a graded risk assessment undertaken and positive handling plan implemented to decrease risk?		
16. Have Academy staff been trained in de-escalation and TEAM TEACH restraining techniques, and are these up to date?		

17. Have parents been included in the process to improve behaviour and can this be evidenced?		
18. Does the paperwork reflect the behaviour history, patterns, the Academy's intervention, parental involvement, successes, escalations and sanctions? It should read like a book. What education has the school undertaken to inform stakeholders of the behaviour policy/prohibited items/dangers of, etc		
Alternatives to Suspensions / Permanent Exclusion	Yes/No	Comment(s)
19. Has the Academy considered commissioning a place at an alternative provision? If so, have the pupil's interventions and support followed him/her to the alternative provision?		
20. Has the Academy considered a managed move, possibly to another Academy in the trust? If an option, Academy must liaise properly with new Academy, provide information about necessary interventions and support, and maintain contact for updates and progress reports. If managed move fails, Academy must be able to document these steps before moving to PEX.		
21. Has the school considered a risk assessment to reduce risk? E.g. bag searching etc		

INVESTIGATION AND NOTIFICATION CHECKLIST		
Investigation	Yes/No	Comment
22. Has a proper investigation taken place, with separate interviews with all involved? Has the investigating member of staff used open-ended questions and avoided suggestive questioning?		
23. If the pupil in question has SEND, has the SENCo or key worker been involved during the process to ensure heightened care and compliance with the SEND code of practice?		
24. Have pupils involved been treated equally and their sanction fits the offence? If not, must be able to explain differences.		

25. Have witness statements been taken, including from PEX pupil? Use of witness statement template recommended. If no statement from excluded pupil, you must explain why. If follow-up questions are asked and statement is amended, you must state so. If illegible, may need to be transcribed later. All pupil statements must be signed and dated. Any amendments must also be signed and dated by the pupil.		
26. Have all witness statements been signed & dated? If scribed by a teacher, it must state so and that the statement was read by the pupil/read to them before they signed.		
27. Have police been involved? If so, what documentation exists and what action are police taking? If pupil is under investigation for a criminal act, pupil may not be excluded unless there is sufficient evidence, on balance of probabilities, that the facts occurred as alleged. Pupil may be sent off-site if deemed appropriate and parental consent is not required.		
28. Has Academy considered all <u>mitigating evidence</u> before making a decision? Provocation, bullying, self-defense, family history and circumstances, undetected learning difficulties, social/emotional difficulties.		
29. Has the Academy met with the family before making the decision to exclude?		
Notification of the Trust	Yes/No	Comment
30. If the situation is complex, has the Academy contacted the Trust's Governance Professional and/or Chief Executive to obtain advice?		
31. Once decision has been made to permanently exclude, has the Trust's Clerking Service been informed? This must happen immediately, to allow the arranging of a review meeting with the LGC Exclusions Review Panel.		
Notification to Parents of Suspension/Permanent Exclusion	Yes/No	Comment
32. Has the Academy made sure to use the Trust template exclusion letters?		
33. If further investigation is required, has the Academy first issued a Fixed-Period suspension <u>pending</u>		

exclusion to allow time for proper investigation, deliberation and contact with the relevant phase director for advice?		
34. Has the Academy informed parents and sent a letter within the timescale? Notification must be “without delay” and by the end of the afternoon session. This can be by phone and followed up with a letter within 48hrs of exclusion. Letters may be emailed if that mode of communication has been agreed and a reliable email address has been provided.		
35. Has the suspension/permanent exclusion letter to parents been dated (same as day suspended/permanent excluded), stating exact reasons from the Trust’s Behaviour Policy / School Behaviour Guidance and <u>with the guidance note</u> on process for appeals?		
Notification to Local Authority of Permanent Exclusion	Yes/No	Comment
36. Has the Academy completed the relevant local authority exclusion referral form and sent this ASAP along with the permanent exclusion letter?		
37. Has the local authority been invited to attend the exclusion review meeting? This is not required.		

ADMINISTRATIVE CHECKLIST		
	Yes/No	Comment
38. Has the exclusion been coded in MIS on the day it is issued? Use ‘E’ code for first five days and ‘B’ code for the sixth day. If pupil at alternative provision within first 5 days, use ‘B’ code for those days.		
39. Has the reason for the exclusion been coded? If it is for multiple breaches, choose the most serious breach rather than ‘other’.		
40. Have the dates and outcomes of the review meeting been recorded on MIS?		
	Yes/No	Comment
41. Following a decision by the Panel declining to reinstate the pupil, has the parent notified the Academy in writing that they do not wish to appeal to an IRP? If so, pupil may be taken off register effective the date of the permanent exclusion. If notice in writing has not been received, the Academy must wait until the		

expiration of the 15-Academy-day appeal period and <u>only then</u> , the pupil may be taken off the register.		
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Local Authority / External Contacts	
Inclusion Services	
Children and Family Services	
Educational Psychology Services	
Multi Agency Safeguarding Hub (MASH)	
Pupil Referral Unit	
SEND Support Services	
Youth Offending Team	
Virtual Academy (LAC)	
CAMHS	

Appendix 2: Guidance on Pupil Suspension/Exclusion from Academies - A Guide for Parents and Carers

1. The government requires us to formally notify you when the Academy Headteacher has decided to suspend or exclude your child.
2. It is important for you to know that suspension/exclusion can only be for a breach of the Trust's Behaviour Policy / Academy Behaviour Guidance and may be for a fixed amount of time or permanent. The letter tells you what type of exclusion has been imposed and its length.
3. You may seek advice about the suspension/exclusion by contacting the Local Authority where you live and also by seeking advice from an independent source.
4. You have a right to make representations to the Academy's Local Governing Committee (LGC) about this suspension/exclusion. When and how this will happen will depend on the type of suspension/exclusion and the period of time involved. You may make a representation by writing to the Academy Headteacher who will forward this to the Trust for appropriate action.
5. An Exclusion Review Panel (Panel) is required to review certain suspensions/exclusions. This Panel will be made up of three governors from the LGC, where possible. The academy will invite you to attend this review meeting which, depending on the availability of governors sitting on the Panel, should normally take place within 15 academy days.

This review meeting is required if the suspension/exclusion of your child is in one of the following categories:

- permanent exclusion
 - Where your child will miss a public exam because of the exclusion. Although 15 days is set as a desirable time, the Panel should, when reasonably practical, meet to consider the exclusion before the date of the examination. If this is not practical, the Chair of the LGC can in these circumstances make a decision without any other Panel member being involved.
 - Fixed-term suspension that will take your child's total days of suspension above 15 days in one term.
6. Where a Fixed-Period suspension is for a period of more than 5 academy days but not more than 15 days in a single term, you may request that the Panel considers the reinstatement of your child within 50 academy days of receiving notice of the suspension.
 7. Where your child has received a Fixed-Period suspension that does not bring suspensions issued to more than 5 days in one term, the Panel must consider your representations, but it cannot direct reinstatement and is not required to arrange a meeting with you. All lawful suspensions of this length have to be completed and the Panel cannot direct that a pupil return to the Academy at an earlier date. However, if the LGC disagree with the Headteacher's decision, a note to this effect can be placed on the pupil's academy record.

8. You are entitled to invite a representative of the Local Authority to attend a meeting of a Suspension/Exclusion Review Panel Meeting as an observer. The Local Authority representative can only make representations with the Panel's consent.

If you have difficulty understanding this note, please contact the Trust using the contact information provided on the letter informing you of your child's suspension/permanent exclusion

Appendix 3: Contents of Evidence Bundle for One-off serious incident

Section	
1	Headteacher's Statement
2	Incident reports, witness statements, Emails
3	Notifications to Parents including exclusion letters
4	Pupil Attendance, Academic and Behaviour reports
5	Trust Behaviour Policy/Academy Behaviour Guidance

Appendix 4: Contents of Evidence Bundle for Persistent breaches of the Trust Behaviour Policy/Academy Behaviour Guidance

Section	
1	Headteacher's Statement
2	Incident reports, witness statements, Emails
3	Notifications to Parents including exclusion letters
4	Documents relating to interventions
5	Pupil Attendance, Academic and Behaviour reports
6	Trust Behaviour Policy/Academy Behaviour Guidance

Appendix 5: Agenda for a Panel Review Meeting

	Item
1	Welcome and introductions (Clerk or Chair)
2	Purpose of the meeting and standards to be applied (Clerk or Chair)
3	Headteacher's Case – Headteacher to present reasons for the exclusion
4	<u>Parents/Pupil Questions</u> – Parents/pupil to ask questions of fact or clarification
5	<u>Panel Questions</u> – Panel members to ask questions of fact or clarification
6	Parents'/Pupil's Case – Parents/pupil to make representations to the panel members
7	<u>Academy Questions</u> – Academy to ask questions of fact or clarification
8	<u>Panel Questions</u> – Panel members to ask questions of fact or clarification
9	Academy Summing Up
10	Parents/Pupils Summing Up
11	Local Authority Representative (if present) – Panel solicit input from the Local Authority on Statutory Guidance and process, if required
12	Parents/Pupil advised as to the timeline for receiving the decision of governors and their rights upon receipt of the decision (Clerk)
13	Parties' to be excused from the meeting
14	Panel Deliberations – Panel to deliberate and reach a decision, with any guidance to be provided by the Clerk
15	Meeting concluded.

Appendix 6: Suggested questions for Panel Members at an Exclusion Review Meeting

SAFEGUARDING CONCERNS
Do any of the facts relating to the incident or the pupil raise safeguarding concerns? E.g. physical abuse; sexual abuse; emotional and psychological abuse; neglect; county lines; radicalisation; Female Genital Mutilation; Children Missing in Education; sexually active under 18; trafficking; child sexual exploitation; online safety; fostering and guardianship issues.
If so, how has the academy addressed these concerns? Has the pupil/family been assessed using the Common Assessment Framework (CAF)? If so, has a subsequent Team Around the Child (TAC) or Team Around the Family (TAF) meeting been held?
Is the Local Authority or any other external agency involved?
If pupil identified as a Child in Need (CIN)?
Have concerns been raised at CP conferences/core groups/CIN or multi-agency meetings?
Is the pupil known to social care /early help? Is there a pending Multi-Agency Safeguarding Hub (MASH) referral?
If social worker involved, were they invited to attend the meeting?
Is the pupil on your vulnerable/at risk list and being monitored at academy or as part of a Team Around the Child (TAC)?
Has the pupil made an allegation against a professional with Local Authority Designated Officer (LADO) involvement?
If aware that pupil is living with someone other than parents, has the academy explored possible private fostering or guardianship? Has the Local Authority been informed?
THE FACTS
To the academy
Is the Trust's Behaviour Policy and Academy Behaviour Guidance well-publicised and clear about the behaviour involved and the potential sanction?
If persistent breaches, was the Headteacher confident that staff had applied the Trust's Behaviour Policy and Academy Behaviour Guidance consistently?
If persistent breaches, what was the tipping point that led to permanent exclusion?
If one-off incident, could the incident have been foreseen and, if so, what did the academy do to prevent it?
Was the academy aware of any events at the academy that affected the pupil's behaviour (e.g. bullying, teasing, threats, inability to access the curriculum)?
Was the academy aware of any events outside of the academy that may have affected the pupil's behaviour (e.g. family breakup, bereavement, neighbourhood disputes)?
Did the incident occur in front of other pupils?
Was there harm to staff during the incident? Was it intentional or negligent?
Did the pupil show remorse? If not, is the academy sure the pupil can properly express emotion and does not have flat affect issues (inability to express emotion due to trauma or mental health)?
To the parent/pupil
Why did the pupil engage in this behaviour?
Did the pupil understand the consequences of the behaviour?

Was the pupil provoked?
Did the pupil intend the outcome?
If pupil admits incident(s), was the pupil sorry for what happened? What have they learned?
Were there any events or circumstances the academy was not aware of that affected the pupil's behaviour, both in and out of academy?
If persistent breaches, was the parent aware of pupil's behaviour and were they notified of/involved in interventions to improve behaviour?
THE PROCESS
To the academy
If not indicated in the evidence bundle, when did academy send out invitation and paperwork?
Were there any indications the parents might not be able to access the evidence (e.g. English as an Additional Language ("EAL") or illiteracy)?
If indications of illiteracy, did the academy offer to sit down with the parent and explain the evidence?
If EAL, did the academy ask the parent to bring someone to the meeting who could translate?
If no statement from the pupil, why?
If statements not signed and dated, why?
If statements obtained more than a few days after the incident, why?
Has the academy provided work for the first five days of the exclusion <i>and</i> had it marked?
Has the Local Authority been advised of the permanent exclusion?
If Local Authority not present at meeting, have they provided written input on the exclusion?
Where is the pupil currently being educated?
To the parent/pupil
Did the pupil and his/her family feel they had been properly notified of the exclusion and the hearing?
When did they receive the invitation and paperwork?
Were they able to read and understand the paperwork?
Is the pupil regularly attending at the Pupil Referral Unit (PRU) and how is it going?
Do the parents want the pupil to return to the academy?
Are there any outstanding school applications and what is the status of those?
At the end of the meeting, do they feel they had an adequate opportunity to represent themselves and be heard?
DISCRIMINATION AND INTERVENTIONS
To the academy
In a case of persistent breaches, has the academy attempted to identify underlying causes for the impulsive or disruptive behaviour?
Did there appear to be a need for an Educational Psychologist assessment? If needed, was this done? If not, why?
Has the academy properly considered whether the child has other Special Educational Needs, including social emotional mental health needs?

Has the academy adequately addressed these needs through interventions and support?
Were these interventions tracked for effectiveness?
Has there been a referral to Child and Adolescent Mental Health Service (CAMHS)? What came of that?
If pupil has an EHCP, did the academy make reasonable adjustments to meet the pupil's needs?
If pupil has an EHCP, did the academy conduct an emergency annual review?
If pupil has an EHCP, does the academy ultimately feel it can meet the pupil's needs?
If pupil is a Looked-After Child, has the academy properly directed the funding and accessed all the resources available from the council?
If pupil has persistence absence (15%), what steps did the academy take to improve attendance?
If pupil is low attaining, how has this been addressed? Could it impact the pupil's behaviour in class?
If Year 7 pupil, did academy receive behaviour history from primary academy and pay heed to the need for interventions? Has academy allowed sufficient time for interventions to take effect?
If persistent breaches and pupil is in Years 10 or 11, why exclude now?
To the parent/pupil
What time did the pupil normally sleep?
Where did the pupil do their homework?
Does the pupil have siblings in academy and what is their relationship?
How did the pupil behave at home? Was it consistent with in-academy behaviour? If not, why?
THE HEADTEACHER'S DECISION
To the academy
Were you satisfied the investigation was thorough and evidence was accurate?
Did you hold a meeting with the family prior to making your decision?
What alternatives to permanent exclusion did you consider and why did you reject them?
Why did you reject the idea of a managed move?
Would it have been sufficient to send the pupil offsite for a period of time? Was this an option and why was it rejected?
Were there other pupils involved? What was their sanction?
CONSIDERING REINSTATEMENT
To the academy
How strongly do you feel the pupil will do this again and why?
What impact would it have on pupils and staff at the academy to have the pupil back?
What impact will the exclusion have on the pupil (e.g. Year 11, will they be able to take their GCSEs)?
Was the pupil progressing at the academy?
To the Local Authority, if present
How long will the pupil likely spend in the Pupil Referral Unit?

What is the likelihood that the pupil will be placed in another mainstream academy?
If Year 6, will the pupil likely be placed in another academy within the year?
If Years 10 or 11, how many GCSEs does the local PRU offer?

Appendix 7: Exclusion Review Checklist

PUPIL NAME:	
BEFORE the meeting is held: completed by the clerk to the Panel	Please ✓
Has the meeting been scheduled within the appropriate time scales?	
Clerk checks that each member of the panel can hear the exclusion case impartially.	
Which relevant external agencies have been invited to attend?	
Are the Panel alone and prepared in the room where meeting is to be held? If so, when everyone else has arrived, invite into the room at the same time.	

DURING the meeting: completed by the Chair of the Panel	Please ✓
1. Chair welcomes everyone to the meeting & asks each person to introduce themselves. For all Academies, where the LA officers are present, the panel agree/disagree that representations can be made & the outcome & reasons are noted in the minutes by the clerk	
2. Chair asks each member of the panel if they are able to hear the exclusion case impartially. This is noted in the minutes by the clerk. Any other areas of impartiality are disclosed at this point & agreements noted in the minutes by the clerk.	
3. Chair explains that there is a procedure to follow: • The Headteacher presents case with no interruptions then is asked any questions about their presentation by parents, governors, then • Parents present their case and afterwards can be asked any questions by the Panel & the Headteacher; • Pupil views on the exclusion are sought • LA is invited to ask questions and to give their views	
4. Chair asks the Headteacher to present their case, no interruptions and reason for exclusion clearly stated.	
5. Chair invites questions to the Academy from: • Parent(s) • The Panel	
6. Chair asks parent(s) to present their case, no interruptions.	
7. Chair invites questions to the parent(s) from: • The Headteacher • The Panel	
8. Chair invites pupil to give their views about the exclusion - oral (if present), written or spoken by a representative.	
9. Chair invites LA representative to ask any questions they have and to give their comments on the exclusion: • How does it compare with other schools; • Has national guidance been followed?	
10. Chair invites any other agencies / representatives, if present, to put forward their views/ knowledge of the child. Questions again are accepted from others present.	

11.	Chair asks the Headteacher what else can be done, what other strategies can be put in place to further support the pupil? The academy's strategies for reintegration of the pupil should be outlined.	
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Chair begins to bring the meeting to a close and states the following:		Please √
(a)	The Panel alone will make their decision about the exclusion, impartially, based on the evidence presented	
(b)	The parent/carer will know the result of the Panel's decision & their reasons in writing without delay at the end of the meeting	
(c)	The Panel then asks parents/carers if they feel they have been given enough time to present their case and they are satisfied with how they have been dealt with	
(d)	Everyone but the Panel and the clerk leave the room to discuss the case The Panel consider the following:	Please √
	On the balance of probabilities, did the pupil do what they were accused of?	
	Is the headteachers decision in line with the Trust Behaviour Policy /Academy Behaviour Guidance	
	Is the headteacher's decision in line with DfE: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (September 2026).with respect to its being lawful, rational, reasonable, fair and proportionate?	
	Was the headteacher's decision consistent with the evidence?	
	As representatives of the governing board, have we reviewed the exclusion with due consideration so that the process has been fair and unflawed to ensure that natural justice has been carried out?	
	Have similar offences in school been dealt with the same way?	
	How will we word our decision in the letter to parents so that our reasons for reaching our decision provide sufficient detail so that all parties can understand why our decision was made?	
	Insert here any other info taken into consideration at the meeting that contributed to the governors' decision	
	In the case of a Permanent Exclusion, the Panel must be satisfied that the Academy took the decision: - in response to a serious breach or persistent breaches of the Trust' Behaviour Policy / Academy Behaviour Guidance; AND - where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school	
	The governors' decision is to either: i) decline to reinstate the pupil (i.e. Uphold the Head's decision) & these reasons are noted in the pupil's record	

OR ii) direct reinstatement of the pupil immediately/by a particular date if the exclusion is still running; if exclusion has ended, then put a note on pupil file to this effect	
LA representative waits outside in case further guidance/clarification on Education Law (relating to exclusions) is required.	

Review Cycle.

Subject	Description	Information.
Title	Name of document.	Exclusions Framework
Supersedes	Previous document name (if revised).	Exclusions Policy
Author	Name of author.	Reviewed by Chris Pearce with adjustments from Chair of Trust
Approval date	Date approved by the Trust Board.	
Effective from	Date to be enacted from (the start of the following academic year).	
Review date	The date to be reviewed by the Trust Board (normally dependent upon external guidance/statutory compliance), is set at one, three, or five years.	
Version	Version number, if amended over time, including a short description of any changes.	V2.0 Change from Governing bodies to Local Governing Committees. Removal of footnote 3 Amendment to 'friend or representative' involvement in panel meetings. Change of wording – 'representatives' to 'members' involved in hearings. Clarification of Trust board role in establishing Independent Review Panel. Annual review of policy to CTS not LGCs.
Status	Draft/Approved/Live.	Draft