

RUSSELL LOWER SCHOOL
Suspension and Permanent Exclusions Policy
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1. Aims

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

Our school aims to:

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

2. Legislation and statutory guidance

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

- [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement August 2024](#)
- DfE 'Behaviour in Schools'
- DfE 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE 'Mental health and behaviour in schools'

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

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)
- The [School Inspection Handbook](#), which defines 'off-rolling'

This policy operates in conjunction with the following school policies:

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

3. Definitions and conditions

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

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

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

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

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

Suspension

A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.

A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period, the formal suspension process must be followed.

On return to school after a period of suspension parents, pupils and staff will meet to discuss the behaviour, set targets for future behaviour and set systems in place for supporting the pupil in meeting those targets (reintegration strategy). If a pupil is considered to be at risk of permanent exclusion a pastoral support programme will be organised at the reintegration meeting. See appendix 1 for more information on the reintegration process.

The school relies on the support of parents during this process and a behaviour contract will be drawn up which includes this support.

In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Permanent exclusion

For any permanent exclusion, the school will take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services will also be considered.

From the sixth day, the local authority must arrange suitable full-time education for the pupil. This will be the pupil's 'home authority' in cases where the school is in a different local authority area.

All occasions where pupils are excluded, for disciplinary reasons, from regular school arrangements are subject to regulations and should be recorded and dealt with systematically.

We will only use suspension and permanent exclusion in response to serious incidents or in response to persistent poor behaviour, which has not improved following in-school sanctions and interventions.

See appendix 2 for process for suspensions/exclusions.

4. Grounds for suspension or exclusion

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

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

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

The behaviour of a pupil outside of the school can also be considered grounds for a suspension or exclusion.

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

The school has the power to direct a pupil off-site to improve their behaviour.

A suspension or exclusion decision will not be made:

- Because a pupil has SEND that the school feels unable to support.
- Due to a pupil's poor academic performance.
- Because the pupil has not attended a reintegration meeting.
- On non-disciplinary grounds, such as the action of a pupil's parents.

Exclusion is a last resort and should only be used in the case of:

- A serious breach or persistent breaches of the school's Behaviour policy.
- Where allowing the pupil to remain in the school would seriously harm the education or welfare of the pupil or others in the school.

5. Roles and responsibilities

5.1 The headteacher

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

The headteacher is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the suspension or exclusion process
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g. if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, those eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be suspended or excluded on disciplinary grounds.
- Adhering to their responsibilities when cancelling an exclusion before the governing board has met to consider whether the pupil should be reinstated. Withdrawing any suspensions or exclusions that have not been reviewed by the governing board, where appropriate.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a pupil.
- Where practical, ensuring that the pupil is given the opportunity to present their case before a decision is reached.
- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension or exclusion.
- Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Ensuring that the school does not engage in unlawful 'off-rolling'.
- Notifying a pupil's parents without delay where the decision is taken to suspend or exclude the pupil, including the days on which the parents must ensure the pupil is not

- present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.

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

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

The headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

Any suspension/exclusion will be lawful, reasonable and fair and proportionate to the offence committed; when making decisions about exclusion, account will be taken of the pupil's previous disciplinary record and any other relevant factors such as mental health, special needs and extenuating circumstances.

Informing parents

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

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

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

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

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

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

If alternative provision is being arranged, the following information will be included, if possible:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information the pupil needs in order to identify the person they should report to on the first day

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

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

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

Informing the governing board

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

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

Informing the local authority (LA)

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

The notification will include:

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

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

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

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

For children with a social worker, we recognise that education is an important protective factor, providing a safe space for children to access support, be visible to professionals and realise their potential. When children are not in school, they miss the protection and opportunities it can provide, and become more vulnerable to harm. However, this will be balanced with the need to ensure calm and safe environments for all pupils and staff.

If a:

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

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

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

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

The social worker/VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances that may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

Pupils with disabilities and Special Educational Needs (SEN) including those with Education, Health and Care plans (EHC plans)

As with the school's behaviour policy we will make reasonable adjustments for pupils with disabilities and/or SEN in relation to the suspensions and permanent exclusions process and to the disciplinary sanctions imposed.

Where we have concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan we will, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability. We will engage proactively with parents in supporting the behaviour of pupils with additional needs.

Where a pupil has an EHC plan, we will contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude as much as is reasonably possible.

Cancelling suspensions and permanent exclusions

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

Where there is a cancellation:

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

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

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

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

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom/Oak Academy may be used for this. If the

pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

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

5.2 The governing board

The governing board has a statutory duty to arrange suitable full-time education for any pupil of compulsory school age who is suspended, for more than 5 days. The governing board has a duty to consider parents' representations about a suspension or permanent exclusion. This is delegated to an Exclusion panel. The board should use data to evaluate the school's practices regarding intervention, suspension and exclusion.

Considering suspensions and permanent exclusions

Responsibilities regarding suspensions and permanent exclusions are delegated to the Exclusion panel.

The Exclusion panel is responsible for:

- considering parents' representations about a suspension or permanent exclusion within 15 school days of receiving notice if the appropriate requirements are met. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances.
- within 14 days of receiving a request, the governing board will provide the secretary of state and the LA with information about any suspensions or exclusions within the last 12 months.
- where a suspension or exclusion would result in a pupil missing a public examination or test, considering the suspension or exclusion before this date.
- considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
- arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- arranging for the representation meeting to take place via remote access where requested by parents
- adhering to its responsibilities to consider the reinstatement of pupils.
- considering the interests and circumstances of the suspended or excluded pupil, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the school.
- using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or exclusion.
- ensuring clear minutes are taken of the representation meeting.
- noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- notifying the pupil's parents, the headteacher and the LA of its decision and the reasons for it, without delay.
- Appointing a clerk to provide advice to the relevant panel and parties to the review on procedure, law and statutory guidance on suspensions and exclusions. **[This is not statutory. Where not appointed, the responsibilities should be assumed by the LA.]**
- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the suspensions and exclusions review panel.

Monitoring and analysing suspensions and exclusions data

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

The governing board will consider:

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

5.3 The local authority (LA)

The LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing pupils' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.
- Arranging for an independent review panel hearing to review the decision of the governing board not to reinstate a permanently excluded pupil where required.
- Arranging for the independent review panel hearing to be held via remote access where requested by parents or excluded pupils aged 18 and over.
- Arranging the hearing without delay at a time, date and venue convenient for all parties.
- Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

6. Considering the reinstatement of a pupil

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

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

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the Exclusion panel must consider any

representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the headteacher to reinstate the pupil.

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

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the Exclusion panel will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the chair of the governing board (or the vice-chair, if necessary) may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

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

- Parents (and, where requested, a representative or friend)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- A representative of the local authority

Governing board meetings can be held remotely at the request of parents. See section 9 for more details on remote access to meetings.

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

The Exclusion panel can either:

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

In reaching a decision, the Exclusion panel will consider:

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

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

The clerk will be present when the decision is made.

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

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

- The parents
- The headteacher
- The pupil's social worker, if they have one

- The VSH, if the pupil is looked after
- The local authority
- The pupil's home authority, if it differs from the school's

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

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

7. Independent review

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

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

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

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

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

- Headteachers or individuals who have been a headteacher within the last 5 years

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

- Are a member of the LA of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the LA, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the LA, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (**see appendix 4** for what training must cover)

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

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

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

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

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

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

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

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

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

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

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

This notification will include:

- The panel's decision and the reasons for it

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

7.1 Appointing a SEND expert

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

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

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

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

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

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

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

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

7.2 The role of the SEND expert

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

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

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

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

7.3 Reconsidering reinstatement following a review

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

The school is aware that if, following an instruction to reconsider, the governing board does not offer to reinstate the pupil, then a £4,000 adjustment will be made to the school's budget.

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

Following reconsideration, the governing board will notify the parents, headteacher and LA of their reconsidered decision and the reasons for this.

8. School registers

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

- 15 school days have passed since the parents were notified of the Exclusion 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

Where an application for an independent review has been made within 15 school days, the governing board will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

Making a return to the LA

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

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

- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house

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

9. Returning from a suspension

9.1 Reintegration strategy

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

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

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

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Mentoring by a trusted adult or a local mentoring charity
- 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

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

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

9.2 Reintegration meetings

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

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

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

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

10. Remote access to meetings

Parents can request that a governing board meeting, or independent review panel be held remotely. If the parents don't express a preference, the meeting will be held in person.

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

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

The governing board and the LA should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology which will allow them to hear, speak, see and be seen

- All the participants will be able participate fully
- The remote meeting can be held fairly and transparently

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

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

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

11. Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units, off-site directions and managed moves
- Anonymous surveys of staff, pupils, governors and other stakeholders on their perceptions and experiences

The data will be analysed every half term by Louise Bunney (Deputy Headteacher). Louise Bunney will report back to the headteacher who will then provide termly reports about the operation and effectiveness of the policy via the HT's report, under the Behaviour/Exclusion incidents section to governors.

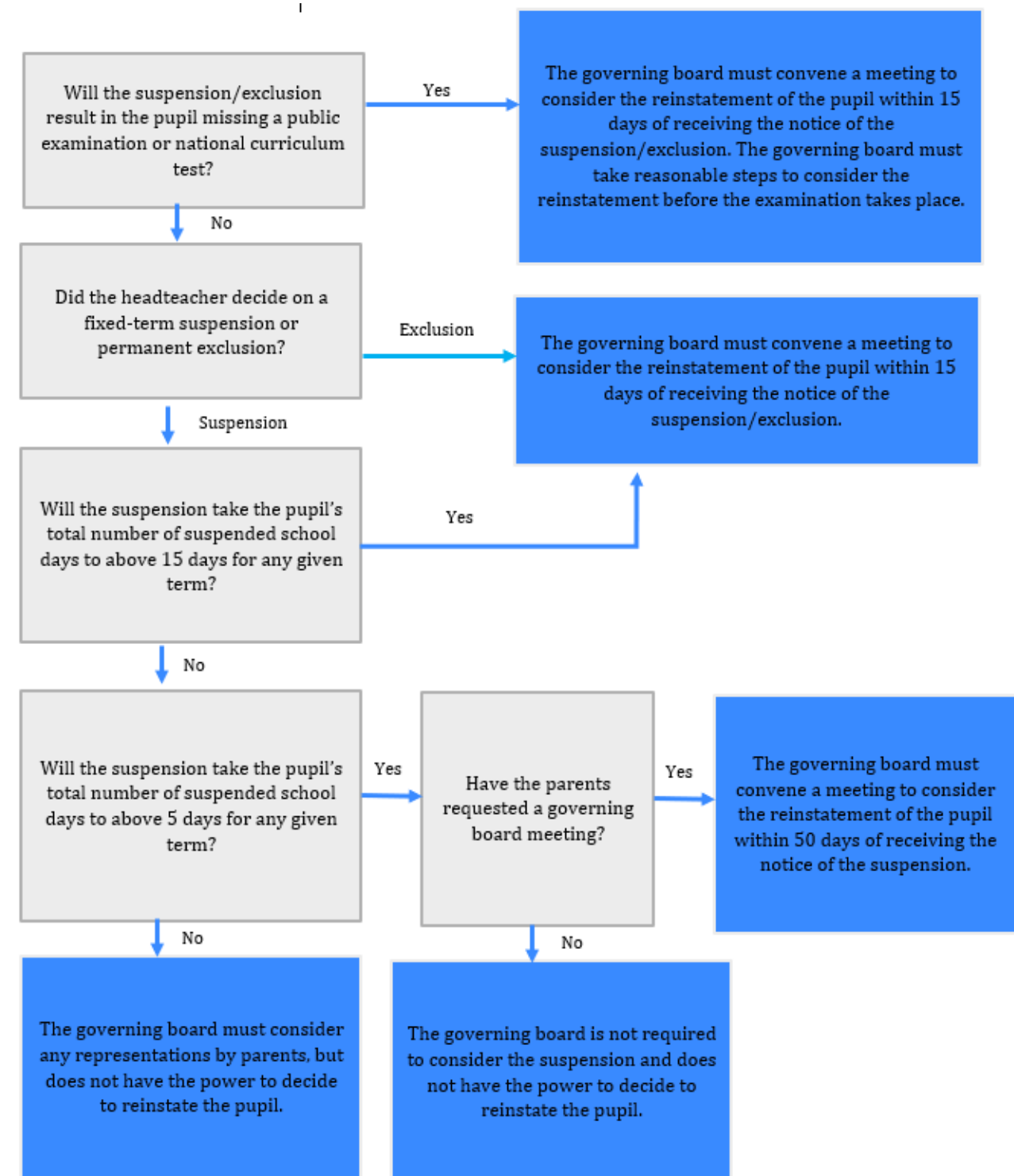
The data will be analysed from a variety of perspectives including:

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

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

This policy will be reviewed by the Curriculum, Learning and Standards Committee, on behalf of the Governing Body every three years. At every review, the policy will be shared with the governing board.

Appendix 1 – Flowchart for reviewing the headteacher’s suspension or exclusion decision.



Appendix 2 - Process for suspensions/exclusions

The school will:

- ensure they monitor the 45-day suspension rule, including suspensions received from other schools via Integris;
- initially call and then formally write to parents clearly setting out all reasons for the exclusion. We will also notify social worker (where relevant), the governing board and local authority;
- provide up-to-date links to sources of impartial advice for parents;
- carry out the reintegrating process following suspension and support pupils' future behaviour;
- follow our remote learning policy or arrange, at short notice, suitable full-time alternative education for pupils receiving suspensions over five school days.

A confirmatory letter will include the following information.

- the reason(s) for the suspension/exclusion;
- the period of suspension or, for a permanent exclusion, the fact that it is permanent;
- the fact that parents have a duty to ensure that the pupil is not present in a public place at any time during school hours during given dates, unless there is reasonable justification for this;
- where appropriate, parents' right to make representations about the exclusion to the governing board;
- where there is a legal requirement for the governing board to consider the exclusion, that parents and pupil have a right to attend a meeting, to be represented and bring a friend;
- the date and time of reintegration meeting in the case of a suspension.

Appendix 3 - Reintegration after a suspension or off-site direction

Schools should support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction.

Our reintegration strategy is designed to offer the pupil a fresh start; help them understand the impact of their behaviour on themselves and others; teach them how to meet the high expectations of behaviour in line with the school culture; foster a renewed sense of belonging within the school community; and build engagement with learning.

The reintegration strategy will be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school. During a reintegration meeting, we will communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible this meeting should include the pupil's parents. However, it is important to note that a pupil should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting. To ensure ongoing progress, the strategy should be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

Where necessary, we will work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, or educational psychologists to identify if the pupil has any SEND and/or health needs.

A part-time timetable will not be used to manage a pupil's behaviour and will only be in place for the shortest time necessary. Any pastoral support programme or other agreement will be time limited by which point the pupil is expected to attend full-time, either at school or alternative provision. There will be regular reviews with the pupil and their parents. In agreeing to a part-time timetable, school has agreed to a pupil being absent from school for part of the week or day and therefore will treat absence as authorised.

School will consider a range of measures to enable the pupil's successful reintegration which may include, but are not limited to:

- 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 behaviour support plan with personalised targets leading to personalised rewards;
- ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or 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.

Reintegration strategy: template

Use this form to plan for and record reintegration meetings with pupils and parents after a suspension, period of off-site direction, or an overturned exclusion

Give the pupil and parents their own, simplified copy of the reintegration strategy in Annex 1 and Annex 2. These are simplified versions, but make sure that the information is consistent for everyone

If the pupil isn't returning to school on a reduced timetable, record 'no' in the appropriate box and delete the 'details of reduced timetable' section

Pupil details

Date of reintegration meeting:

People present:

Include names and roles e.g. parent, headteacher, SENCO

PUPIL DETAILS
Pupil's name: Address: Date of birth: Year group/teacher: Name of parent/guardian: Contact details:

PUPIL DETAILS
Is the pupil subject to a child protection plan? If yes to any question, give details Is the pupil a looked-after or previously looked-after child? Is the pupil identified as having special educational needs or disabilities (SEND)? Does the pupil have an education, health and care (EHC) plan?

DETAILS OF SUSPENSION			
<table><tr><td>Date of suspension:</td><td>Date of return to school:</td><td>Number of days suspended:</td></tr></table>	Date of suspension:	Date of return to school:	Number of days suspended:
Date of suspension:	Date of return to school:	Number of days suspended:	
Reason for suspension:			
<table><tr><td>Details of any previous suspensions:</td><td>Total number of days suspended this term:</td></tr></table>	Details of any previous suspensions:	Total number of days suspended this term:	
Details of any previous suspensions:	Total number of days suspended this term:		

DETAILS OF SUSPENSION

Provision during suspension:

Include details of any:

Work provided and marked over suspension period

Alternative provision

Interventions from counselling or behaviour services, SEND support or local safeguarding partners

REVIEW OF CURRENT ATTENDANCE

Attendance this term

Number of days absent:

Attendance (%):

Attendance this year

Number of days absent:

Attendance (%):

REVIEW OF ACADEMIC PROGRESS

Subject:

Target grade:

Current grade:

Teacher comments:

If the pupil isn't graded in any/all subjects, ask teachers to briefly rate their progress, for example out of 10 or with a RAG rating

PARENTS AND PROFESSIONALS INVOLVED WITH THE CHILD				
Name:	Role and organisation:	Attended reintegration meeting? (Y/N)	Contact details:	Have they been informed of the reduced timetable?
				If the pupil isn't on a reduced timetable, delete the row or record N/A If they haven't been informed, record the reason why

Targets and provision

TARGETS FOR BEHAVIOUR AND LEARNING				
Area for development	Current score (out of 10) (Alternatively, use a RAG rating)	Target score (out of 10)	How will we achieve this?	Timescale/review date
e.g. Come prepared to work	3	5	Arrive on time Bring all equipment needed Respect and adhere to the Russell Rights for yourself and others (to learn, to be safe, to be happy and included)	3 weeks from meeting

AGREED SUPPORT		
Type of support	Support lead	Frequency
e.g. Academic catch-up support for maths. Give as many details as possible	Name of staff member responsible If someone outside the school is providing the support (e.g. a mentoring charity that you are facilitating), name the member of staff who is responsible for its oversight	One hour a week
e.g. Check in on reintegration targets		
Is the pupil on a reduced timetable? (Y/N)		

Details of reduced timetable arrangements

Delete this section if it doesn't apply

WHY ARE WE USING A REDUCED TIMETABLE?
WHAT RISKS ARE THERE OF THE REDUCED TIMETABLE ON THE PUPIL'S NEEDS?

WHY ARE WE USING A REDUCED TIMETABLE?

If you have included an assessment of the reduced timetable in a broader risk assessment about the pupil's return to school, attach the document to the end of your reintegration plan.

WHAT STEPS ARE WE TAKING TO MITIGATE THESE RISKS?

Week beginning:	Mon		Tues		Wed		Thurs		Fri		Total hours in lessons:
	am	pm	am	pm	am	pm	am	pm	am	pm	

Start date:

Planned end date:

Review meeting details:

Date, time and who will attend

Review the reduced timetable arrangements frequently to decide if they're working and still necessary. You should use them for as short a time as possible.

Additional comments

PUPIL'S COMMENTS
PARENTS' COMMENTS
SCHOOL'S COMMENTS
Include comments from different staff members as appropriate

Signed
(pupil)

Signed
(parent/guardian)

Signed
(school)

Annex 1: Pupil copy of reintegration plan

Adapt the wording depending on the pupil's age/context and give it to them to keep. Try to keep it to a single page and use age-appropriate language

My name:	My class/form:	
Date of suspension:	Date of return to school:	Number of days suspended:
Why was I suspended?		

My targets	My current score (out of 10)	My target score (out of 10)	How will I achieve this?	When will we check on this?
e.g. Come prepared to work	3	5	Arrive on time Bring all equipment needed Respect and adhere to the Russell Rights for yourself and others (to learn, to be safe, to be happy and included)	3 weeks from meeting

How will the school help me?	Who will help me?	How often will we do this?
e.g. Academic catch-up support for maths. Give as many details as possible	Name of staff member responsible	One hour a week

My comments	My parents' comments	The school's comments
Signed: _____ Date: _____		

Annex 2: Parents copy of reintegration plan

Try to keep to a single page

My name:	My child's name:	
Date of suspension:	Date of return to school:	Number of days suspended:
Why was my child suspended?		

[Name's] targets	Current score (out of 10)	Target score (out of 10)	How will they achieve this?	When will we check on this?
e.g. Come prepared to work	3	5	Arrive on time Bring all equipment needed Respect and adhere to the Russell Rights for yourself and others (to learn, to be safe, to be happy and included)	3 weeks from meeting

What support will the school provide?	Staff member responsible	Frequency
e.g. Academic catch-up support for maths. Give as many details as possible	Name of staff member responsible	One hour a week

My child's comments	My comments	The school's comments

Signed:

Date:

Appendix 4: independent review panel training

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

Training must have covered:

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

Appendix 5 - Letter of suspension/exclusion

Parents will be notified of the decision to exclude firstly by phone (where possible) followed by a confirmatory letter which will include the following information.

- the reason(s) for the exclusion;
- the period of a fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent;
- the fact that parents have a duty to ensure that the pupil is not present in a public place at any time during school hours during given dates, unless there is reasonable justification for this
- where appropriate, parents' right to make representations about the exclusion to the governing board
- where there is a legal requirement for the governing board to consider the exclusion, that parents and pupils have a right to attend a meeting, to be represented and bring a friend.
- The date and time of reintegration meeting in the case of a suspension

A copy of the exclusion letter is sent to the Local Authority Inclusion Officer and the Chair of Governors.