

Worthington School



Suspension and Exclusion Policy

UPDATED TO REFLECT DfE STATUTORY GUIDANCE: July 2026

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Signed by:

Headteacher: _____ Date: _____

Chair of governors: _____ Date: _____

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Statement of intent

At Worthington School, we understand that good behaviour and discipline are essential for promoting a high-quality education and ensuring that pupils and staff can work in a calm, safe and supportive environment.

Amongst other disciplinary sanctions, the school recognises that suspension and permanent exclusion may sometimes be necessary where there has been a serious breach, or persistent breaches, of the school's Behaviour Policy, and where allowing a pupil to remain in school would seriously harm the education or welfare of the pupil or others. Suspension may be used where appropriate as part of a graduated response to behaviour; permanent exclusion will only be used as a last resort.

The school has created this policy to clearly define the legal responsibilities of the headteacher, governing board and local authority (LA) when responding to suspensions and permanent exclusions, ensuring that decisions are lawful, reasonable, fair and proportionate and are made in line with DfE statutory guidance. The policy also aims to secure a pupil's right to education throughout the process and to support successful reintegration following a suspension, cancelled exclusion or off-site direction.

A "suspension" is the temporary removal of a pupil from school on disciplinary grounds. 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 "permanent exclusion" is when a pupil is no longer allowed to attend a school unless reinstated. A decision to permanently exclude will only be taken in response to a serious breach or persistent breaches of the school's Behaviour Policy and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils.

1. Legal framework

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

- Education Act 1996 • Education Act 2002, as amended by the Education Act 2011
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended • Equality Act 2010
- Children and Families Act 2014
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, as amended
- Education (Educational Provision for Improving Behaviour) Regulations 2010, as amended and modified by the Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026
- School Attendance (Pupil Registration) (England) Regulations 2024
- European Convention on Human Rights (ECHR)

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

- DfE (July 2026) 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE 'Behaviour in Schools'
- DfE 'Keeping Children Safe in Education'
- DfE 'Working together to improve school attendance'
- DfE 'Mental health and behaviour in schools'
- DfE 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE 'Arranging Alternative Provision: A Guide for Local Authorities and Schools'
- 'Working Together to Safeguard Children'

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
- Attendance Policy

2. Roles and responsibilities

The LA is responsible for:

- Arranging suitable full-time education for any pupil of compulsory school age who is permanently excluded, in coordination with the school.
- Reviewing and reassessing pupils' needs in consultation with their parents where they have an EHC plan and are permanently excluded, with a view to identifying a new placement.
- [Maintained schools only] Arranging an independent review panel (IRP) where required following a governing board decision not to reinstate a permanently excluded pupil.
- Appointing a SEND expert for an IRP where requested by parents and covering the associated costs.
- Carrying out its statutory duties relating to education for pupils who are temporarily forbidden from attending school for safeguarding purposes where the school or parent does not arrange suitable education.

The governing board is responsible for:

- Considering representations and deciding whether to reinstate pupils where required by law.
- Arranging suitable full-time education from the sixth school day for pupils who are suspended for more than five school days and for permanently excluded pupils, subject to statutory exceptions.
- Ensuring that off-site direction is used appropriately, is time-limited, has clear objectives and is regularly reviewed.
- Ensuring that parents, and the LA where a pupil has an EHC plan, receive the required written information about an off-site direction.
- Ensuring relevant information is shared with the receiving school or alternative provision before an off-site direction or managed move.
- Considering whether a pupil should be permitted onto the school premises to sit a public examination or national curriculum test where relevant.
- Arranging governing board meetings within statutory timescales and ensuring that remote access requests are handled in accordance with this policy.
- Considering the interests and circumstances of the pupil, including the circumstances in which they were suspended or permanently excluded, and having due regard to the interests of others at the school.
- Using the civil standard of proof when establishing the facts relating to a suspension or permanent exclusion.
- Ensuring clear minutes are taken and that outcomes are recorded on the pupil's education record.
- Using exclusion, pupil-movement and off-site education data to challenge and evaluate the effectiveness and consistency of the school's behaviour and support arrangements, including patterns relating to SEND and safeguarding separation.

The headteacher is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from education and to minimise unnecessary suspensions and permanent exclusions.
- Applying the civil standard of proof ('balance of probabilities') when establishing facts.
- Considering the pupil's views, in light of their age and understanding, before deciding whether to suspend or permanently exclude, unless it would not be appropriate to do so, and explaining how those views have been taken into account.
- Considering contributing factors, including SEND, disability, health, bullying, bereavement, safeguarding concerns and other vulnerabilities.

- Ensuring Equality Act 2010 and Children and Families Act 2014 duties are complied with, including reasonable adjustments and appropriate SEN provision.
- Considering whether suspension remains effective where suspensions are repeated and whether additional support or intervention is required.
- Determining whether a pupil will be suspended or permanently excluded on disciplinary grounds.
- Ensuring decisions are lawful, rational, reasonable, fair and proportionate.
- Taking account of the legal duty of care when sending a pupil home.
- Making decisions on the evidence available at the time, including where there is a police investigation or parallel criminal proceedings.
- Notifying parents, the LA, governing board and, where applicable, the pupil's social worker and VSH without delay.
- Ensuring work is set and marked for the first five school days where appropriate and ensuring arrangements are made for alternative provision from the sixth school day where required.
- Supporting successful reintegration after suspension, cancelled exclusion, off-site direction or safeguarding separation.
- Ensuring all exclusions are formally recorded and that no informal or unofficial exclusions are used.

3. Grounds for suspension or exclusion

The school will use suspension and permanent exclusion only where necessary and proportionate. The school will not adopt a 'no exclusion' approach as an end in itself where exclusion is necessary to maintain safety and a calm, supportive environment.

Permanent exclusion will only be considered as a last resort and only where there has been a serious breach or persistent breaches of the school's Behaviour Policy and allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others.

Examples of behaviour that may warrant suspension or permanent exclusion include:

- 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.
- Racist abuse.
- Abuse relating to sexual orientation or gender reassignment.
- Abuse relating to disability.

This list is not exhaustive. The headteacher will consider the individual circumstances and evidence in each case. Behaviour outside school may also be considered where it is lawful, reasonable, fair and proportionate to do so.

A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year, or may be permanently excluded. A suspension cannot be open-ended and cannot simply be 'converted' into a permanent exclusion. Where further evidence comes to light, a further suspension or a permanent exclusion may be issued to begin after the initial suspension has ended.

The school may use off-site direction as a preventative measure in accordance with Section 6 of this policy.

4. The headteacher's power to suspend and exclude

Only the headteacher has the power to suspend or permanently exclude a pupil from the school, and all suspensions and permanent exclusions will be issued on disciplinary grounds.

A pupil may be suspended for part of the school day, including lunchtime. A lunchtime suspension counts as half a school day. The legal requirements for notification apply to lunchtime suspensions.

The headteacher may consider behaviour outside the school premises where this is lawful, reasonable, fair and proportionate and consistent with the school's Behaviour Policy.

Before deciding to suspend or permanently exclude, the headteacher should take the pupil's views into account, considering their age and understanding, unless it would not be appropriate. The pupil should be informed how their views have been considered and supported to express them where necessary.

The headteacher will apply the civil standard of proof ('on the balance of probabilities') and will take account of the duty of care when sending a pupil home.

Any decision to suspend or permanently exclude will comply with the Equality Act 2010 and SEND duties. The school will not discriminate against, harass or victimise pupils on the basis of a protected characteristic and will consider reasonable adjustments and SEN provision where applicable.

The headteacher may cancel an exclusion that has begun or has not yet begun, but only before the governing board has met to consider reinstatement. If an exclusion is cancelled, the headteacher will, without delay:

- Notify the parent, governing board, LA and, where applicable, the pupil's social worker and VSH, giving the reason for cancellation.
- Offer the parent the opportunity to meet the headteacher without delay to discuss the circumstances leading to cancellation.
- Allow the pupil to return to school without delay.
- Ensure that days already spent out of school count towards the 45-school-day maximum.

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

The governing board's duty to consider reinstatement ceases when an exclusion is cancelled. The headteacher will report cancelled exclusions, including the circumstances and reasons, to the governing board once per term.

The school will not use informal or unofficial exclusions, including sending a pupil home to 'cool off' or asking parents to remove a pupil from the premises under threat of exclusion. Any disciplinary removal from school will be formally recorded as a suspension or permanent exclusion where applicable.

5. Factors to consider when suspending or excluding a pupil

When considering suspension or permanent exclusion, the headteacher will:

- Consider the evidence available and apply the civil standard of proof.
- Consider the pupil's views in light of their age and understanding and provide appropriate support to enable them to express those views.
- Consider any contributing factors identified following the incident, including SEND, disability, health needs, bullying, bereavement, safeguarding concerns or other vulnerabilities.
- Consider whether reasonable adjustments and appropriate SEN support have been provided and whether any provision, criterion or practice may place a disabled pupil at a substantial disadvantage.
- Consider whether the pupil has received multiple suspensions or is approaching the legal limit of 45 school days in an academic year, and whether suspension remains an effective sanction.
- Consider early intervention, multi-agency support and alternative provision where appropriate.
- Consider additional support for groups who may be at increased risk of suspension or permanent exclusion, including children looked after, pupils eligible for FSM, pupils with SEND and pupils from particular ethnic groups.
- Ensure that having SEND, a disability or a health need is not itself used as a reason for exclusion. At the same time, the presence of SEND or other vulnerabilities does not prevent suspension or permanent exclusion where the legal threshold is met and the decision is lawful, reasonable, fair and proportionate.
- Where necessary, work with parents and relevant agencies to identify and address underlying needs.

The school will not use a blanket rule that a pupil with SEND or SEMH needs can never be suspended or permanently excluded. Instead, the headteacher will ensure that the individual circumstances, support provided, reasonable adjustments and safeguarding considerations are properly considered and recorded.

6. Preventative measures

Before taking a final decision to permanently exclude, the headteacher will consider whether preventative measures such as off-site direction or a voluntary managed move are appropriate and in the pupil's best interests. These measures should be part of a planned intervention and are not a substitute for following the formal exclusion process where exclusion is necessary.

Off-site direction

Off-site direction is a temporary measure requiring a pupil to attend another education setting to improve their behaviour. The governing board is responsible for arranging off-site direction under the law. It should be used where interventions or targeted support have not been successful and should be time-limited, with clear objectives, appropriate support and regular review.

Off-site direction may be full-time or a combination of alternative provision and continued mainstream education, depending on the pupil's needs. A proposed maximum period should be agreed as part of planning, together with options to be considered when the time limit is reached, including a permanent managed move where appropriate.

The governing board must notify parents, and the LA where the pupil has an EHC plan, in writing as soon as practicable and no later than two school days before the relevant day. The notice will include:

- The address of the educational provision.
- The person to whom the pupil should report on first attending.
- The number of days for which the requirement will apply.
- The reasons for, and objectives of, the off-site direction.
- The relevant session times.

Parents, and the LA where the pupil has an EHC plan, may request a review meeting in writing. The governing board will comply as soon as reasonably practicable unless a review meeting has taken place within the previous 10 weeks. The length of the placement and reintegration plan will be kept under review at intervals appropriate to the pupil's needs.

The referring school and receiving school or provider will share relevant information in advance, including attainment, academic potential, current risk assessment and advice on effective risk management and support strategies. The school should be able to evidence that appropriate initial intervention has been carried out, including multi-agency support or statutory assessments where relevant.

Pupils with SEND or disabilities remain entitled to reasonable adjustments and appropriate support while receiving education off-site. They should continue to receive a broad and balanced curriculum that supports successful reintegration.

Managed moves

A managed move is a voluntary, planned and permanent transfer to another mainstream school. It must be agreed by all parties, including parents and the admission authority of the new school, and should only take place where it is in the pupil's best interests.

The law does not allow 'trial admissions' or 'trial managed moves'. If a temporary move is required to improve behaviour, off-site direction should be used instead.

Before a managed move, the original school should evidence appropriate initial intervention and relevant information sharing. Information shared should include prior and current attainment, academic potential, a current risk assessment and advice on ongoing support and risk management. Where a pupil has an EHC plan, the school should contact the LA before the managed move and the statutory processes for amending the plan must be followed where required.

Separation of pupils for safeguarding purposes

In rare circumstances, a pupil may need to be temporarily forbidden from attending the school premises for safeguarding reasons, for example where an allegation of harm between pupils means that physical

separation is essential and cannot practicably be achieved while keeping all pupils on site. This is not a disciplinary exclusion.

Such a decision will be made on a case-by-case basis by the school, led by the DSL or deputy DSL and supported by relevant agencies such as children's social care or the police where appropriate. Parents will be informed of the reason for the temporary separation and the governing board will be notified without delay. The school will ensure that the arrangement is used only where necessary, is proportionate and is reviewed promptly.

The school will consider its duties under the Human Rights Act 1998, Equality Act 2010 and Keeping Children Safe in Education. Where the school or parent does not arrange suitable education for a pupil temporarily forbidden from attending for safeguarding reasons, the LA is responsible for arranging education in accordance with its statutory duties.

Reintegration

Following suspension, cancelled exclusion, off-site direction or safeguarding separation, the school will use a proportionate reintegration strategy. This may include regular contact during the period away, a designated pastoral adult, personalised targets, academic support, planned pastoral interventions and regular reviews with the pupil and parents. A pupil will not be prevented from returning to a mainstream classroom solely because a parent is unable or unwilling to attend a reintegration meeting.

A part-time timetable will not be used simply to manage behaviour and, where used for another lawful reason, will be for the shortest time necessary with formal review arrangements.

7. Duty to inform parents

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

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

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

Where the pupil is of compulsory school age, the headteacher will inform the parents by the end of the afternoon session that for the first five days of the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), parents 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 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 is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision. If the alternative provision is due to begin before the sixth day of the suspension or exclusion, the headteacher is able to give less than 48 hours of notice, with parental consent.

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

8. Duty to inform the governing board and LA

The headteacher will inform the governing board, without delay, of the following:

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

For any suspensions and exclusions, other than those above, the headteacher will notify the governing board once per term.

The headteacher will inform the LA of all suspensions or exclusions, regardless of their length, without delay.

All notifications to the governing board and LA will include the reasons for suspension or exclusion and the duration of any suspension.

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

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

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

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

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

10. Arranging education for suspended and excluded pupils

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

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

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

If a pupil with SEND has been suspended or excluded, the governing board 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.

11. Considering suspensions and exclusions

The governing board will consider representations made by parents about suspensions and permanent exclusions. Parents, and where requested a friend or representative, the headteacher, and any other persons entitled to attend will be invited to make representations.

Where appropriate to the pupil's age and understanding, the pupil will be enabled and encouraged to attend and make representations on their own behalf, or to contribute their views by another suitable means.

The governing board must consider reinstatement where:

- The exclusion is permanent.
- A suspension would take the pupil's total number of suspended school days to more than 15 in a term.
- The suspension or permanent exclusion would result in the pupil missing a public examination or national curriculum test.

Where a suspension would take the pupil's total number of suspended days to more than 5 but not more than 15 school days in a term, the governing board must consider any representations made by parents. If parents make representations, the governing board must consider the suspension within 50 school days of receiving the notice. If no representations are made, the governing board is not required to meet but may do so if it considers it appropriate.

Where the suspension does not take the pupil's total number of suspended days above 5 school days in the term, the governing board must consider any representations made by parents but does not have the power to direct reinstatement and is not required to arrange a meeting.

Where a governing board is required to consider reinstatement, it will normally do so within 15 school days of receiving notice. If a pupil will miss a public examination or national curriculum test, the governing board will take reasonable steps to meet before the examination or test.

Parents may request a meeting via remote access. Remote access is not the default. Where a parent has not requested remote access or stated a preference, the meeting will normally be held in person unless this is not reasonably practicable because of extraordinary or unforeseen circumstances. Remote meetings will only be used where the governing board is satisfied that the meeting can be held fairly and transparently. Safeguarding concerns may justify refusing a remote meeting where it would not allow fair and effective participation.

When considering reinstatement, the governing board will:

- Consider the pupil's interests and circumstances and the interests of others at the school.
- Apply the civil standard of proof.
- Consider any relevant SEND, disability, health, safeguarding or equality issues.
- Consider reasonable adjustments needed to support participation.
- Circulate written evidence to relevant parties at least five school days before the meeting where required.
- Enable and encourage the pupil to contribute their views.
- Ensure clear minutes are taken and all relevant evidence is considered fairly.

12. Reaching a decision

After considering suspensions and exclusions, the governing board will either:

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

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

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

To reach a decision, the governing board will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the suspension or exclusion of the pupil was lawful, proportionate and fair, taking into account the headteacher's legal duties and any evidence that was presented to the governing board in relation to the decision.
- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
- [Maintained schools only] Inform the LA of the outcome.
- Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the pupil.

13. Notification of considered suspensions and exclusions

The governing board will notify the parents, headteacher and, where relevant, the LA, the pupil's social worker and/or VSH of its decision and the reasons for it, in writing and without delay.

Where the governing board decides not to reinstate a permanently excluded pupil, the written notification will state:

- That the exclusion is permanent.
- The parent's right to apply for an independent review panel.
- The deadline for applying, normally 15 school days from the date on which the governing board's decision is notified in writing.
- Where and to whom the application and written evidence should be submitted.
- That a request can be made for the IRP to be held via remote access, and how to make that request.
- That the application should set out the grounds for review and, where appropriate, explain how the pupil's SEN is relevant to the permanent exclusion.
- That parents have the right to require the LA or academy trust to appoint a SEND expert, regardless of whether the school recognises that the pupil has SEND.
- The role of the SEND expert and that the associated cost is covered by the LA or academy trust as required.
- That parents may appoint someone at their own expense to make written and/or oral representations to the panel.
- Relevant information about discrimination claims under the Equality Act 2010, where applicable.

The governing board will also notify relevant parties of any decision following reconsideration and will provide the reasons for that decision.

14. Removing excluded pupils from the school register

The headteacher will remove pupils from the school register if:

- 15 school days have passed since the parents were notified of the governing board's 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 an exclusion.

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

If a pupil's name is to be removed from the register, the headteacher 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

15. Independent review panel

[In relation to independent review panels, in academies the role of the LA in this section should be conducted by the academy trust.]

The LA will review the governing board's decision not to reinstate an excluded pupil if the parents submit their application for this within the required time frame.

The LA 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 or individual who has been a headteacher within the last 5 years

Parents are required to submit their applications within:

- 15 school days of the governing board's 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 the above 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 governing board's initial consideration of the exclusion.

Parents can request that independent review panels take place via remote access.

The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance.

16. 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.

17. The role of the SEND expert

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

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

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

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

18. Appointing a clerk

The LA 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 LA will ensure that the clerk did not serve as clerk to the governing board when the decision was made not to reinstate the pupil.

19. The role of the 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 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 leading to the exclusion, taking into account the fact that some of these people may be pupils at the school. Pupils under 18 will not be allowed to appear in person without parental consent.
- Inform the parents, headteacher and governing board that they are entitled to make oral and written representations to the panel, attend the hearing, and be represented.
- [Maintained schools and PRUs only] Inform the LA that it is 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 LA will undertake the functions outlined above.

20. The duties of the independent review panel

The role of the panel is to review the governing board's decision not to reinstate an 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. 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 governing board reconsiders reinstatement
- Quash the decision and direct that the governing board 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, governing board, headteacher and LA.

21. Conducting governing board meetings or independent review panels via remote access

Parents, or excluded pupils aged 18 or over, may request that a governing board meeting or independent review panel is held via remote access. Remote access should not be the default.

Where a valid request for remote access is made in accordance with the written notification, the governing board or arranging authority must hold the meeting remotely if it is satisfied that the meeting can be conducted fairly and transparently.

Where no remote-access request is made and no preference is stated, meetings will be held in person unless this is not reasonably practicable because of extraordinary or unforeseen circumstances.

A remote meeting must allow all participants to participate effectively, hear and be heard, and where video is used, see and be seen. If technical problems prevent the meeting from being conducted fairly and transparently and cannot be resolved promptly, a face-to-face meeting will be arranged without delay.

The governing board or arranging authority may refuse a request for remote access where safeguarding concerns mean that a remote meeting would not enable participants to take part effectively or fairly.

Social workers and VSHs must be allowed to join governing board meetings and IRPs remotely, regardless of the meeting format chosen, provided they can participate effectively and the meeting remains fair and transparent.

The governing board and arranging authority will comply with equalities legislation and enable access to support to which the parent is entitled, including the presence of a friend.

22. 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.

[Maintained schools only] 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.

23. Criminal investigations

The headteacher will not postpone a decision to suspend or permanently exclude solely because a police investigation is underway or criminal proceedings may be brought. The decision will be based on the evidence available at the time.

Where evidence is limited because of a police investigation or criminal proceedings, the headteacher will consider what additional steps are necessary to ensure the decision is fair, reasonable and procedurally sound.

Where the governing board is required to consider reinstatement in these circumstances, it must not postpone its meeting solely because of the criminal investigation or proceedings and must decide on the evidence available.

Where an independent review panel is considering a permanent exclusion, the existence of parallel criminal proceedings does not automatically require an adjournment. The panel will consider factors including the availability of witnesses and documents, the likely length of any delay, the effect on the pupil, parents, victim and school, and whether adjourning or proceeding would create an injustice.

Safeguarding principles and the requirements of Keeping Children Safe in Education will continue to apply throughout.

24. Training requirements

The LA will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review. Training will cover:

- The requirements of the legislation, regulations and statutory guidance governing suspensions and exclusions.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair of a review panel.
- The role of the clerk to 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 and the need to act in a manner compatible with human rights protected by that Act.

Clerks will also have an up-to-date understanding on developments in case law which are relevant to suspension and exclusion.

25. Using data

The headteacher will ensure that data regarding suspensions, permanent exclusions and pupil movement is collected and provided to the governing board at least termly.

The governing board will routinely challenge and evaluate what the data indicates about pupil movement, including:

- The levels and characteristics of pupils leaving the school through permanent exclusion, removal from the admission register, off-site direction or other pupil movement.
- The effectiveness and consistency of the Behaviour Policy.
- Repeat suspensions and the support and interventions in place for pupils at risk of suspension or permanent exclusion.
- The characteristics of pupils who are suspended or permanently excluded and any equality considerations.
- Patterns involving SEND, FSM, children looked after, ethnicity or other relevant characteristics.
- The rolling average and timing of permanent exclusions.
- Pupils who remain on the school admission register while receiving education off-site.
- The cost and effectiveness of alternative provision and whether placements are reviewed often enough to ensure that educational objectives are being achieved.
- Any temporary separation of pupils for safeguarding purposes, including whether such arrangements are rare, necessary, proportionate and reviewed appropriately.
- Whether there are patterns that indicate that school policies, support or SEN provision may need to be reviewed.

The governing board will use this information to hold school leaders to account, identify emerging patterns and ensure that suspension, permanent exclusion and pupil movement are used only where necessary and proportionate.

26. Monitoring and review

This policy will be reviewed annually by the headteacher in conjunction with the governing board, and sooner if there are changes to legislation or DfE statutory guidance. The next scheduled review date is July 2027.

All members of staff will be required to familiarise themselves with this policy as part of their induction programme.

The governing board will monitor the implementation and effectiveness of this policy through termly consideration of suspension, exclusion, pupil-movement and relevant safeguarding data.

