



omega
MULTI-ACADEMY TRUST

Suspension and Exclusion Policy

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Chief Executive Officer	14 th July 2026
Chair of Standards and Safeguarding Committee	14 th July 2026

Review Date and Summary of Changes

Date of review	Summary of changes
July 2026	Statement of Intent • Revised Definition of Managed Move: Explicitly stating that a managed move is a permanent transfer to another mainstream school and cannot be used on a trial basis 1. Legal Framework Updated the list of legislation and guidance to include the most recent regulations: • Updated the DfE Guidance reference: Changed to "DfE (July 2026) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'". • Added new Regulations: Included "The Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026". 2. Roles and Responsibilities The 2026 guidance significantly enhances the governing board's data monitoring duties. New guidance requires 'maximum challenge' from governing boards regarding data. These responsibilities have been added to Section 2 of policy: • Scrutinise Patterns: Review, challenge, and evaluate data on the use of suspension, exclusion, off-site direction, and managed moves, specifically identifying any emerging trends or patterns. • Performance Benchmarking: Use performance data (attendance, attainment, safeguarding, and financial management) to hold leaders to account and identify the root causes of issues. • Characteristic Analysis: Specifically monitor the characteristics of suspended and excluded pupils to identify and address any disparities between groups. 4. The Headteacher's Power to Suspend and Exclude

	Emphasis that suspensions are formal sanctions for breaches of the schools Behaviour Policy and must follow the statutory suspension process. Added a new protocol for separating pupils for safeguarding purposes, which is distinct from disciplinary suspension: • Temporary Off-site Removal: In exceptional circumstances, the headteacher may temporarily prevent a pupil from attending the site to ensure safety (e.g., following an allegation of harm between pupils). • Conditions for Use: This should only be used in rare cases where no reasonable alternative exists to ensure safety on site. • Safeguarding Lead Role: Decisions must be led by the Designated Safeguarding Lead (DSL) and informed by multi-agency working. • Notification: Parents and the governing board must be informed without delay. Clarification that Separation for Safeguarding should be recorded as a safeguarding area and not as a disciplinary sanction for record keeping/data purposes. Off-rolling (New Subsection) The 2026 guidance provides updated examples of off-rolling. These have been added to Section 4 with an explicit statement that the Trust will not practice “off-rolling” • Examples of Gaming: Moving a pupil to off-site alternative provision (AP) when it is not in their best interests; encouraging a post-16 student to leave their course against their interests; or placing a pupil on a part-time timetable for behavioural reasons. 6. Preventative Measures (Managed Moves & Off-site Direction) • Off-site Direction Specifics: off-site direction notice must include: ○ The address of the provision and the person the pupil should report to. ○ The specific session start and finish times (including breaks if two sessions per day are provided). ○ The specific reasons for and objectives of the placement. • Managed Moves Notification: When contemplating a managed move for a pupil with a social worker, the headteacher must notify the social worker, the DSL, and the VSH (for looked-after children) as early as possible.
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	9. Duty to Inform Social Workers and the VSH • Interim PEP Reviews: For looked-after children at risk of suspension or exclusion, the school should consider whether an interim Personal Education Plan (PEP) review is necessary and how Pupil Premium Plus is being used to support behaviour. 11. Reintegration (New Section) The policy now requires a more formalized reintegration strategy: • The strategy must be clearly explained in a reintegration meeting where the pupil is told they are getting a "fresh start". • Pupils cannot be prevented from returning to the classroom simply because their parents are unable or unwilling to attend a reintegration meeting. 12. Considering Suspensions and Exclusions • Clarification that parents may be accompanied by more than one friend or representative, subject to reasonable limits set by the board. 26. Requests for Remote Access Meetings • Safeguarding Refusal Clause: The governing board or trust may refuse a request for a remote meeting if a risk assessment suggests a remote format would prevent the meeting from being held fairly, transparently, or with full participation. • Technical Failure Protocol: If technical issues during a remote meeting cannot be resolved and compromise fairness, the meeting must be rearranged as an in-person meeting without delay.
May 2025	1. Legal Framework: DFE guidance 2024 2. Roles and Responsibilities: Addition of LA responsibilities.
July 2024	1. Legal Framework Updated: The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023 2. Roles and Responsibilities

	Board of Trustees - Added: Arranging for the independent review panel hearing to be held via remote access where requested by parents or excluded pupils aged 18 and above. Local Governing Body – Added: Arranging for the representation meeting to take place via remote access where requested by parents or excluded pupils aged 18 and over 4. The Headteacher’s power to suspend and exclude Added: When a suspension or exclusion is cancelled, the governing board’s duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement. Any days spent out of school as a result of a suspension or exclusion prior to it being cancelled will count towards the maximum 45 school days that a pupil can be suspended or excluded in an academic year. A permanent exclusion will not be cancelled if the pupil has already been suspended or excluded for more than 45 school days in an academic year or if they will have been so by the time the cancellation takes effect. 7.Duty to Inform Parents Added: 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. 9.Duty to inform Social Workers or the Virtual school Head Added: 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. 11. Consideration of suspensions or exclusions Added: Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits. Parents, and excluded pupils if they are over 18, will also be able to request that the meeting is held via remote access. 15. Independent Review Panel Added: Parents can request that independent review panels take place via remote access.
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Statement of intent

- At Omega Multi-Academy Trust, we understand that good behaviour and discipline is essential for promoting a high-quality education.
- Amongst other disciplinary sanctions, the Trust recognises that suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of a school's Behaviour Policy. Suspending or excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding pupils should only be used as a means of last resort.
- The Trust has created this policy to clearly define the legal responsibilities of the Trust, Trustees, Headteachers and Local Governing Body (LGB) when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.
- A **"suspension"** is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.
- An **"exclusion"** is defined as the permanent removal of a pupil from the school, in response to a serious breach or persistent breaches of the school's Behaviour Policy, and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or staff in the school.
- A **"managed move"** is a permanent transfer to another mainstream school and cannot be used on a trial basis.

1. Legal framework

This policy has due regard to all relevant legislation, regulations and statutory duties relating to suspensions, permanent exclusions, off-site direction, managed moves, pupil movement, equality, safeguarding and the provision of education, including, but not limited to, the following:

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- Education Act 2011
- Children's Wellbeing and Schools Act 2026 and any relevant commencement regulations
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, as amended
- The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended
- The Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026
- The School Attendance (Pupil Registration) (England) Regulations 2024
- Equality Act 2010
- Human Rights Act 1998
- Children Act 1989 and Children Act 2004
- Children and Families Act 2014
- UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018

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

- DfE (July 2026) 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2024) 'Behaviour in schools: advice for headteachers and school staff'
- DfE (2026) 'Working together to improve school attendance'
- DfE (2025) 'Alternative provision'
- DfE (2025) 'Keeping children safe in education'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'
- DfE (2013) 'Use of reasonable force: advice for headteachers, staff and governing bodies'
- DfE (2023) 'School exclusions: guide for parents'

This policy operates in conjunction with the following Trust and school policies, procedures and records management arrangements:

- Behaviour Policy

- Anti-bullying Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Child Protection and Safeguarding Policy
- Attendance Policy
- Alternative Provision Policy and Alternative Provision Commissioning and Quality Assurance procedures
- Equality Information and Objectives / Single Equality Policy
- Accessibility Plan
- Supporting Pupils with Medical Conditions Policy
- Data Protection Policy and Records Management Policy
- Complaints Policy and Procedure

2.Roles and Responsibilities

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 ECH plan and are excluded permanently, with a view to identifying a new placement.

The Board of Trustees is responsible for:

- Publishing and reviewing a Suspension and Exclusion Policy that has due regard to all relevant legislation and statutory guidance.
- Arranging for an independent review panel hearing to review the decision of the LGB not to reinstate a permanently excluded pupil, where required.
- Arranging for the independent review panel hearing to be held via remote access where requested by parents or excluded pupils aged 18 and above.
- Monitoring suspensions and exclusions across all schools in the Trust in order to review and evaluate the policy and the effectiveness of its implementation. This should include using data to:
 - Scrutinise Patterns: Review, challenge, and evaluate data on the use of suspension, exclusion, off-site direction, and managed moves, specifically identifying any emerging trends or patterns.
 - Performance Benchmarking: Use performance data (attendance, attainment, safeguarding, and financial management) to hold leaders to account and identify the root causes of issues.
 - Characteristic Analysis: Specifically monitor the characteristics of suspended and excluded pupils to identify and address any disparities between groups.

Trustees delegate responsibility for suspension and exclusion to the Local Governing Body (LGB). The LGB is responsible for:

- Exercising maximum challenge when scrutinising patterns of pupil movement, including suspensions, permanent exclusions, and managed moves. They will use performance data and benchmarking to hold leaders to account and ensure these measures are used only as a last resort.
- The Chair of the LGB will delegate to a Governors Disciplinary Committee (GDC), which will be three Governors from the LGB or three Trustees and /or Governors from across the Trust.
- Ensuring the school provides information to the Secretary of State and LA about any suspensions and exclusions within the last 12 months, via census and/or local authority reporting arrangements.
- Ensuring suitable full-time education is provided for any pupil of compulsory school age who is suspended, where required.
- Considering parents' representations about suspensions and exclusions within 15 school days of receiving notice if the appropriate requirements are met, or within 50 days where the parent wishes to make representation about a suspension of more than 5 days but no more than 15 days.
- 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 or excluded pupils aged 18 and over.
- 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.
- Engage the services of the Trust's Governance Professional/Clerk to provide advice to the relevant panel and parties to the review on procedure, law and statutory guidance on suspensions and exclusions.
- 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 Independent Review Panel.

- Using data to evaluate the school's practices regarding intervention, suspension and exclusion.

The Governance Professional/Clerk to the suspensions and exclusions review panel is responsible for:

- Informing the parent or excluded pupil if they are 18 years or older, that they are entitled to:
 - Attend the hearing and make oral representations to the panel.
 - Make written representations to the panel.
 - Be accompanied by a friend or representative.
- Inviting the following parties to the meeting:
 - Parents and, where requested, friend or representative.
 - Excluded pupil if 18 years or older.
 - Headteacher
 - Local Authority Representative if requested by the parent.
 - The pupil's Social Worker (if they have one)
 - Virtual Schools Head if the pupil is a looked after child.
- Circulating copies of relevant papers at least five school days before the review to all parties.
- Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel within the timeframe of the policy.

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, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g. if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- 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.
- Withdrawing any suspensions or exclusions that have not been reviewed by the LGB where appropriate, and advising without delay the parent, LGB, Local Authority and if relevant social worker and VSH of the withdrawal and the reason why.
- Offering the parents or the excluded pupil if aged 18 years or older a meeting, without delay, to discuss the circumstances that led to the withdrawal of the exclusion.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension or exclusion.
- Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a pupil's parents without delay when the decision is taken to suspend or exclude the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the governor responsible and Trust of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Reporting to the CEO & LGB once per half term of any exclusions via the Trust's standard reporting procedures/dashboards.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged.
- Ensuring that all evidence and appropriate documentation is prepared in accordance with the requirements of the Trust and provided to the Governance Professional to allow distribution to parents, governing board review panel and any other party attending the meeting, five working days in advance of the meeting.

3.Grounds for Suspension or Exclusion

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

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

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

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

4.The Headteacher’s power to suspend and exclude.

Only the Headteacher (or an appointed Acting Headteacher, due to the Headteachers absence or pending Headteacher appointment) has the power to suspend or exclude a pupil from the school and is able to decide whether either a suspension or exclusion is appropriate. All suspensions will only be issued on disciplinary grounds.

Suspensions (Disciplinary): These are formal sanctions for breachers of the school’s Behaviour Policy and must follow the statutory suspensions process.

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

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

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

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

he Headteacher may cancel any suspension or exclusion that has already begun, or one that has not yet begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the LGB. Where a suspension or exclusion is cancelled, the Headteacher will notify the pupil’s parents, the LGB, the Local Authority and, where relevant, the virtual school head (VSH) and the pupil’s social worker. The notification must provide the reason for the cancellation. The Headteacher will offer the pupil’s parents the opportunity to meet with the Headteacher to discuss the circumstances that led to the cancellation of the exclusion, without delay. The pupil must be allowed back into the school from which they were excluded without delay.

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

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

The Headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the CEO and LGB once per term, to allow the LGB to have appropriate oversight.

The Headteacher will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g. sending a pupil home to 'cool off', regardless of whether the parents have agreed to this. The Headteacher will not use the threat of suspension or exclusion as a means of instructing parents to remove their child from the premises.

All suspensions and exclusions will be formally recorded on the school's Management information System (MIS).

5. Separation for Safeguarding Purposes (Non-Disciplinary)

In rare and exceptional circumstances, where necessary to safeguard a pupil or others within the school community, the Headteacher may temporarily require a pupil not to attend the school premises in order to ensure physical separation from another pupil or pupils. This is a safeguarding measure and is distinct from a disciplinary suspension or permanent exclusion. It must not be used as an informal or unofficial exclusion, or as an alternative to the statutory suspension or exclusion process where that process is appropriate.

This measure may only be used where:

- There is a clear safeguarding rationale, such as following an allegation of harm between pupils.
- No reasonable alternative exists to ensure the safety of those involved whilst remaining on site.
- The decision is led by the **Designated Safeguarding Lead (DSL)** and informed by relevant safeguarding information, risk assessment, multi-agency advice and professional judgement, where appropriate.
- The arrangement is temporary, proportionate, clearly documented and subject to regular review.

Parents/carers must be informed without delay. Where relevant, the Local Authority, social worker and/or Virtual School Head should also be notified. The governing board and Trust must be informed in accordance with the school's safeguarding and governance reporting arrangements.

Suitable education arrangements must be considered without delay and the separation must end as soon as the safeguarding reason for the arrangement no longer applies.

Separation for safeguarding purposes is governed by the school's safeguarding duties and must be recorded appropriately on the school's MIS and/or CPOMS as a safeguarding measure. It must not be recorded as a disciplinary sanction, suspension or exclusion.

6.Factors to consider when suspending or excluding a pupil

When considering the suspension or exclusion of a pupil, the headteacher will:

- Allow the pupil the opportunity to present their case once evidence has been collected. This should be in the form of a written statement, signed and dated by the pupil. Where necessary, due to age or ability, pupils should be provided with appropriate support to make their statement, or an adult can record a verbal statement on the child's behalf, recording verbatim what the child said.
- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.

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

- LAC
- Pupils eligible for FSM
- Pupils with SEND
- Pupils from groups identified through national, Trust or school-level data as experiencing disproportionately high rates of suspension or exclusion, including where relevant by ethnicity, disadvantage, SEND or care experience.- (adheres to Equality Act and Equality and Human Rights Commission)

The Headteacher will consider avoiding excluding LAC, those with SEMH issues or pupils with an EHC plan. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Headteacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities.

Where SEND or SEMH issues are identified, an individual support plan will be created in consultation with parents and the pupil. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered. In accordance with the Equality

Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be suspended or excluded before the graduated response process has been completed.

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

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

7.Preventative measures

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

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

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

8.Off-Site Direction

The Headteacher may direct a registered pupil to attend education at a place outside the school premises where this is intended to improve the pupil's behaviour and is considered a proportionate preventative measure to avoid suspension or permanent exclusion. Off-site direction must not be used as an informal or unofficial exclusion, or as a punitive measure for past behaviour.

The Headteacher will decide, following consultation with the pupil and their parents/carers, whether off-site direction is appropriate. In reaching this decision, the school will consider the pupil's individual circumstances, including safeguarding needs, SEND, SEMH needs, attendance, transport arrangements, and any relevant vulnerability or protected characteristic. Any decision to place a pupil in alternative provision will be considered through the Trust's Alternative Provision Commissioning Panel.

The school will provide written notice of any off-site direction. The notice will include:

- the name and address of the off-site provision;

- the person the pupil should report to on arrival;
- the start date of the placement;
- the proposed end date, duration of the placement or review point;
- whether the placement is full-time or part-time;
- the specific session start and finish times, including breaks where two sessions per day are provided;
- the specific reasons for the off-site direction and the objectives the placement is intended to achieve;
- confirmation that the placement is intended to improve behaviour and is not a disciplinary suspension or exclusion;
- attendance monitoring and safeguarding arrangements;
- arrangements for communication and information sharing between the school, the provider and parents/carers;
- practical arrangements, including transport, meals, uniform, equipment, medication, SEND provision and any reasonable adjustments where relevant; and
- the arrangements for reviewing the placement.

Where a pupil has an Education, Health and Care (EHC) Plan, the Headteacher will notify the parents/carers and the Local Authority in writing of the proposed placement no later than two school days before the placement begins. The Local Authority will be invited to review meetings where appropriate.

The school will keep all off-site placements under regular review. Review meetings will be held at intervals deemed appropriate by the Trust and in accordance with statutory requirements. The Headteacher will, where reasonably practicable, arrange review meetings at times suitable for parents/carers and will provide written notice of review meetings no later than six school days in advance. Where parents/carers request a review meeting in writing, the Headteacher will arrange one as soon as reasonably practicable, unless a review meeting has been held within the previous 10 weeks.

At each review meeting, consideration will be given to:

- whether the off-site direction remains necessary and proportionate;
- the progress made against the objectives of the placement;
- whether the pupil's educational, behavioural, safeguarding and welfare needs are being met;
- any attendance, safeguarding or other concerns arising from the placement; and
- whether the arrangement should continue, be amended or end.

The review will also determine arrangements for any further review meetings.

A written record will be maintained of each review, including the evidence considered, the views of the pupil and parents/carers (where available), progress against placement objectives and any decisions made. These records will be scrutinised by the Trust's Alternative Provision Commissioning Panel on a half-termly basis. Where significant concerns arise, an

extraordinary panel meeting will be convened to consider the placement and any required actions.

9.Managed Moves

Where it is considered to be in a pupil's best interests to transfer permanently to another mainstream school, the Headteacher will discuss this with the pupil, their parents/carers and, where appropriate, other relevant professionals. Where the pupil has an Education, Health and Care (EHC) Plan, the Local Authority must be involved in the process.

A managed move will only proceed with the voluntary agreement of all relevant parties, including the pupil and parents/carers, the current school, the receiving school and the admission authority of the receiving school. Managed moves must comply with the School Admissions Code and relevant in-year admissions arrangements and must not be used to circumvent normal admissions procedures or waiting lists.

A managed move is a permanent transfer and must not be used on a trial basis. Where a temporary placement is required to support behaviour improvement or assess suitability, the appropriate mechanism will be off-site direction rather than a managed move. A pupil's or parent's refusal to agree to a managed move will not, in itself, be grounds for permanent exclusion.

Before proposing a managed move, the school will consider and document the interventions, support strategies and reasonable adjustments that have already been implemented or explored. The school will ensure that the views, wishes and feelings of the pupil are sought and taken into account, in line with the school's safeguarding and pastoral responsibilities. The rationale for the proposed move and why it is considered to be in the pupil's best interests will be clearly recorded.

The school will maintain detailed records of any decision to explore or initiate a managed move, including:

- the interventions and support already provided;
- the reasons for considering a managed move;
- the views of the pupil, parents/carers and relevant professionals;
- evidence that the move is considered to be in the pupil's best interests; and
- any safeguarding, attendance, SEND, SEMH or welfare considerations relevant to the decision.

The school will ensure that secure, timely and proportionate information sharing takes place with the receiving school before any move is agreed. Information shared will include, where relevant:

- prior and current attainment and academic progress;
- attendance information;

- safeguarding information and risk assessments;
- SEND provision and reasonable adjustments;
- SEMH needs and support strategies;
- behaviour records and support plans;
- medical information where appropriate; and
- any other information necessary to support a safe and successful transition.

Information will be shared in accordance with data protection legislation, safeguarding requirements and the need to protect the welfare and educational interests of the pupil.

The school will work collaboratively with the receiving school, parents/carers, the pupil and relevant professionals to develop and implement an effective transition and integration plan. Where the pupil has a social worker, the Headteacher will notify the social worker and the Designated Safeguarding Lead (DSL) as early as possible. Where the pupil is looked after or previously looked after, the Virtual School Head will also be notified and involved, where appropriate.

Parents/carers who believe that a managed move is being imposed upon them, or who are dissatisfied with the way a managed move has been proposed or managed, will be referred to the Trust's Complaints Policy and Procedure.

10.Off-rolling

The Trust is committed to following statutory procedures and will not engage in 'off-rolling' which includes moving a pupil to off-site provision against their best interests or utilising part-time timetables as a tool to manage behaviour.

11.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 LGB, including how the pupil will be involved in this and how the representations will be made
- The parents' (or an excluded pupil if they are 18 years or older) right to make a request to hold the meeting via the use of remote access and how and to whom to make this request.
- Where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents or the excluded pupil, if aged 18

years or older have a right to be represented at the meeting (at their own expense) or to bring a friend.

- 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.

12.Duty to inform the Local Governing Body, Trust and LA

The Headteacher will inform the Trust and the Local Governing Body 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 LGB once per term.

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

All notifications to the Trust, LGB or 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'.

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

For looked-after children at risk of suspension or exclusion, the school should consider whether an interim Personal Education Plan (PEP) review is necessary and how Pupil Premium Plus is being used to support behaviour.

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 LGB 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.

14.Arranging Education for Suspended and Permanently Excluded Pupils

The school recognises the importance of minimising disruption to a pupil's education following a suspension or permanent exclusion and will take all reasonable steps to ensure appropriate educational provision is arranged as quickly as possible.

For any suspension totalling more than five school days, the school will arrange suitable full-time education for the pupil to begin no later than the sixth school day of the suspension. Where a pupil receives consecutive suspensions, these will be treated cumulatively for the purpose of determining when full-time education must be provided.

In the case of a permanent exclusion, the Local Authority is responsible for arranging suitable full-time education from the sixth school day following the exclusion. The school will work proactively with the Local Authority to ensure the timely transfer of information and support continuity of education.

Wherever possible, the school will seek to put appropriate educational arrangements in place before the sixth school day. Where alternative provision cannot reasonably be secured during the first five school days, the school will take reasonable steps to set, provide and mark work for the pupil during this period.

The Headteacher is not required to arrange full-time education for a pupil who is in the final year of compulsory education and who has completed all public examinations and has no further examinations to sit.

Where a suspended or permanently excluded pupil has SEND, including those with an Education, Health and Care (EHC) Plan, the school will ensure that:

- alternative provision is considered in consultation with parents/carers and, where appropriate, the pupil;
- relevant information regarding the pupil's needs, support strategies, reasonable adjustments and current provision is shared promptly with the alternative provider and/or Local Authority;
- any safeguarding, medical, SEND or SEMH needs are identified and appropriately supported within the alternative provision;
- where the pupil has an EHC Plan, the Local Authority is informed and consideration is given to whether the provision specified within the plan remains appropriate and whether an emergency annual review or other review of provision is required; and
- appropriate transition and reintegration arrangements are planned where applicable.

The school will maintain appropriate records of the educational provision arranged for suspended and permanently excluded pupils and will monitor the suitability and effectiveness of any provision commissioned directly by the school.

15.Reintegration

Following a suspension, a period of off-site direction, or a temporary removal for safeguarding purposes, the school will implement a formal reintegration strategy to support the pupil's successful return to full-time education.

The reintegration strategy will be clearly explained to the pupil and their parents during a reintegration meeting held before or upon the pupil's return to school. During this meeting, staff will explicitly communicate to the pupil that they are receiving a "fresh start" and remain a valued member of the school community.

The Trust expects all returning pupils and their parents to attend the reintegration meeting. However, in accordance with statutory guidance, a pupil cannot be prevented from returning to the classroom simply because their parents are unable or unwilling to attend the reintegration meeting.

The strategy will be regularly reviewed and adapted in collaboration with the pupil and parents to ensure its continued effectiveness in fostering a renewed sense of belonging and engagement with learning

16.Considering suspensions and exclusions

The GDC will consider any representations made by parents regarding suspensions and exclusions.

Parents and, where requested, a friend or representative, the Headteacher, and a member of the LA will be invited to attend any consideration of suspensions and exclusions and will be able to make representations. Parents may be accompanied by more than one friend or representative, subject to reasonable limits set by the board.

Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits. Parents, and excluded pupils if they are over 18, will also be able to request that the meeting is held via remote access.

Where it is appropriate to the pupil's age and level of understanding, the pupil will also attend any consideration meeting, and will be enabled to make a representation on their own behalf if they desire to do so.

The GDC will consider the reinstatement of a suspended or excluded pupil, where:

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

In the case of a suspension where the pupil's total number of suspended days is more than 5 but no more than 15 days within a term, if parents make representations, the LGB must consider reinstatement within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the LGB is not required to meet and cannot direct the reinstatement of the pupil.

Where a suspension will not bring a pupil's total number of days of suspension or permanent exclusion to more than five days in a term, the LGB will consider all representations made by parents; however, the LGB cannot direct the reinstatement of the pupil and it is not required to arrange a meeting with parents.

Where suspension or exclusion would result in a pupil missing a public examination, the LGB will consider the suspension or exclusion before the test/examination to decide whether the pupil should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of governors to consider the decision before the examination, a smaller sub-committee will consider the suspension or exclusion and decide whether or not to reinstate the pupil.

In light of the above, the LGB will also consider whether it would be appropriate to allow the suspended or excluded pupil to enter the premises to take the examination.

When considering the reinstatement of a pupil, the LGB will:

- Only discuss the suspension or exclusion with the parties present at the meeting.

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

17.Reaching a decision

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

18.Notification of considered suspensions and exclusions

The LGB will notify the parents of the suspended or excluded pupil, the Headteacher, and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay.

In the case of a permanent exclusion, where the LGB decides not to reinstate the pupil, they will notify the parents:

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

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

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

19. Removing Permanently Excluded Pupils from the School Register

The Headteacher will remove a pupil's name from the school admissions register following a permanent exclusion only when the legal conditions for removal have been met.

The pupil's name will be removed where:

- 15 school days have passed since parents/carers were notified of the governing board's decision not to reinstate the pupil and no application for an Independent Review Panel (IRP) has been made; or
- the parents/carers have confirmed in writing that they do not intend to apply for an Independent Review Panel following the permanent exclusion.

Where an application for an Independent Review Panel has been submitted within the permitted timescale, the Headteacher will not remove the pupil's name from the admissions register until:

- the review has been determined or abandoned; and
- any reconsideration directed or recommended by the Independent Review Panel has been completed by the governing board.

Once the grounds for removal have been met, the Headteacher will notify the Local Authority without delay and no later than the date on which the pupil's name is removed from the register. The notification will include:

- all particulars recorded in the admissions register for the pupil;
- the name and address of any parent/carers with whom the pupil normally resides; and
- the legal grounds on which the pupil's name has been removed from the register.

Where a pupil's name has been removed from the admissions register and a successful discrimination claim is subsequently made to the First-tier Tribunal (SEND) or the County Court, the pupil may be reinstated in accordance with the outcome of those proceedings.

20.Attendance Recording During Suspension, Permanent Exclusion and Alternative Provision

Whilst a permanently excluded pupil remains on the admissions register, or where a suspended or excluded pupil is receiving alternative provision, the school will record attendance using the appropriate national attendance code for each session.

The following codes may apply:

Code	Description	Use
E	Absent and not attending alternative provision	Used where a pupil has been suspended or permanently excluded and no suitable alternative provision has been arranged for that session. This will typically apply during the first five school days of a suspension or permanent exclusion unless alternative provision begins earlier.
B	Attending approved off-site educational activity	Used where the pupil is attending educational provision arranged or approved by the school, is not dual registered at that provision, and the school is satisfied that the activity is supervised, safe and educational.
D	Dual registered	Used where the pupil is registered at another school and is expected to attend that school for the session concerned.
K	Attending education provision arranged	Used where the pupil is attending education arranged by the Local Authority, including provision secured

	by the Local Authority	under Section 19 of the Education Act 1996 or relevant duties under the Children and Families Act 2014.
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Where a pupil is expected to attend alternative provision but fails to attend, the school will establish the reason for the absence with the provider and record the appropriate national attendance code for that session. The school will not automatically record attendance using Codes B, D or K where the pupil has not actually attended the provision.

The school will ensure that attendance records are accurate, reflect the pupil's actual educational arrangements, and comply with current Department for Education attendance recording requirements.

21.Independent review panel

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

The Trust will constitute an IRP 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 LGB'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 IRP even if they did not make a case to, or attend, the LGB's initial consideration of the exclusion.

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

The Trust will adhere to all statutory guidelines when conducting an IRP, as outlined in the DfE's statutory guidance.

22.Appointing a SEND expert

If requested by parents in their application for an IRP, the Trust 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 Trust will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

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

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

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

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

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

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

23.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.

24.Appointing a clerk

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

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

25.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 LGB that they are entitled to make oral and written representations to the panel, attend the hearing, and be represented.
- Ensure that all parties are:
 - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
 - Informed about who is attending the meeting, and what their roles are.
- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.

Where a clerk is not appointed, the Trust will undertake the functions outlined above.

26.The duties of the independent review panel

The role of the panel is to review the LGB'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 LGB reconsiders reinstatement
- Quash the decision and direct that the LGB 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, LGB, headteacher and Trust.

27.Reconsidering reinstatement following a review

Where the IRP instructs the LGB 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 LGB does not offer to reinstate the pupil, then the school will be required to make a payment of £4,000 directly to the LA area in which the school is located.

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

Where the IRP recommends that the LGB 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 LGB does not offer to reinstate the pupil, it will not be subject to a financial adjustment.

Following reconsideration, the LGB will notify the parents, Headteacher, Trust and LA of their reconsidered decision and the reasons for this.

28.Criminal Investigations

The Headteacher will not automatically delay or postpone a decision to suspend or permanently exclude a pupil because a police investigation is underway, criminal proceedings are being considered, or criminal proceedings are ongoing. Decisions regarding suspension or permanent exclusion will be made on the basis of the evidence available at the time, applying the civil standard of proof, namely the **balance of probabilities**.

Where evidence is limited or cannot be disclosed because of an ongoing police investigation or criminal proceedings, the Headteacher will take reasonable steps to ensure that any decision is fair, reasonable and procedurally robust. This may include:

- considering alternative sources of evidence;
- obtaining written statements or accounts where appropriate;

- relying on summaries of evidence where full disclosure is not possible; and
- clearly recording the reasons why particular evidence cannot be shared or relied upon at that stage.

The school will take care to ensure that its actions do not prejudice any police investigation or criminal proceedings, whilst continuing to fulfil its duties to maintain the safety, welfare and good order of the school community.

Where the governing board is required to consider the Headteacher's decision, it will not automatically postpone its meeting solely because a police investigation or criminal proceedings are ongoing. The governing board will consider the evidence available, ensure that all parties have a fair opportunity to make representations, and determine whether it is able to reach a fair and informed decision within the statutory timescales.

Where the availability of evidence is significantly restricted, the governing board may consider whether a short adjournment is necessary and proportionate to ensure procedural fairness. Any decision to adjourn will take account of the need to comply with statutory requirements, minimise delay and ensure that decisions are made on the best evidence reasonably available.

In all cases, decisions relating to suspension or permanent exclusion will remain distinct from any criminal investigation or court process. The outcome of a police investigation or criminal proceedings will not necessarily determine the school's decision, nor will the school's decision predetermine the outcome of any criminal process..

29.Training requirements

The Trust will ensure that all IRP 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, Local Governing Body 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.

30.Using data

The Headteacher will ensure that all data regarding suspensions and exclusions is collected and provided to the Trust and LGB on a half-termly basis. The Trust and LGB will review this data regularly in order to:

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

31.Requests for remote access meetings for governing board meetings or IRPs

Parents or excluded pupils (if they are aged 18 years or older) can request a meeting to be held via the use of remote access but this should not be a default option. The LGB or Trust must hold the meeting via the use of remote access, if the request has been made correctly as set out in the Headteacher's written notification or the LGB's written notification to the parents advising that they can request an IRP.

Holding meetings via remote access will only be done if the LGB or Trust are satisfied that the meeting is capable of being held fairly and transparently.

- **Default to In-Person:** Where a parent does not request a remote meeting or express a preference, the meeting will be held in person. In-person meetings are required unless it is not reasonably practicable to do so due to extraordinary events or unforeseen circumstances, such as school closures caused by floods, fire, or an outbreak of infectious disease
- **Safeguarding Refusal Clause:** The LGB or Trust reserves the right to refuse a request for a remote meeting if a risk assessment suggests that a remote format would prevent the meeting from being held fairly, transparently, or with the full participation of all parties due to safeguarding reasons. In such cases, the meeting will be held in person, and the Trust will consult with the parents to arrange a convenient venue

- **Technical Failure Protocol:** If technical or network issues during a remote meeting compromise the ability for participants to be seen or heard, or otherwise prevent the meeting from being fair and transparent, the meeting must be rearranged as an in-person meeting without delay
- **Participation of Social Workers and VSHs:** Social workers and Virtual School Heads (VSHs) must be allowed to join a meeting via remote access, regardless of the format chosen for the main meeting. This is permitted as long as the LGB or Trust is satisfied that they can participate effectively, see and be seen (if by video), and hear and be heard throughout the proceedings without compromising fairness.
- **Pre-Meeting Technology Check:** If a meeting is to be held remotely, the LGB or Trust will confirm in advance with all participants that they have access to the necessary technology to hear, speak, see, and be seen. This ensures all participants can fully present their point of view and that the meeting remains fair and transparent.

32. Monitoring and review

This policy will be reviewed annually and approved by the Standards and Safeguarding Committee,

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

33. Appendix- Flowchart for reviewing the headteacher's suspension/exclusion decision

