

Three Counties Academy Trust



Suspension and Exclusion Policy

#GN18

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Policy lifespan: 3 years. Subject to annual compliance check. Next full review 25th June 2029.

Version history

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Trust Glossary

Policy Abbreviations and Acronyms

AHT	Assistant Headteacher	LA	Local Authority
CAMHS	Child and Adolescent Mental Health Services	LAC	Looked After Child
CCTV	Closed Circuit Television	MASH	Multi-Agency Safeguarding Hub
CEO	Chief Executive Officer	MIS	Management Information System
CFO	Chief Financial Officer	PSP	Pastoral Support Plan
DDSL	Deputy Designated Safeguarding Lead	SEND	Special Educational Needs and Disabilities
DSL	Designated Safeguarding Lead	SEMH	Social, Emotional and Mental Health
DfE	Department for Education	SENCO	Special Educational Needs Coordinator
ECHR	European Convention on Human Rights	SLT	Senior Leadership Team
EHCP	Education and Health Care Plan	TCAT	Three Counties Academy Trust
FSM	Free School Meals	VSH	Virtual School Head

NB. Where the term “parent” or “parents” is used this includes those who act as carers or have parental responsibility.

Statement of intent

At Three Counties Academy Trust (TCAT), we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, TCAT recognises that suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of an individual TCAT school's Behaviour Policy, and, in the case of exclusion, 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.

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

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

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

Trustee, Local Governor and Staff Summary

Purpose and Principles

- Suspension (temporary removal) and exclusion (permanent removal) are serious disciplinary sanctions used only as a last resort following serious or persistent breaches of behaviour policy
- Decisions must always be lawful, reasonable, fair, proportionate and in line with statutory guidance
- TCAT prioritises safeguarding, equality and access to education for all pupils, including those with SEND or vulnerabilities

Key Definitions

- Suspension: fixed-period removal (up to 45 days per academic year)
- Exclusion: permanent removal where continued attendance would harm education or welfare
- Suspension Lite: internal sanction used as a preventative step prior to formal suspension

Legal and Governance Framework

- Policy is underpinned by legislation including the Education Acts, Equality Act 2010 and latest DfE guidance
- All decisions must follow civil standard of proof (“balance of probabilities”)
- Informal or unofficial exclusions are prohibited; all actions must be formally recorded

Roles and Responsibilities

- Executive Headteacher/Headteacher: sole authority to suspend or exclude; ensures decisions are proportionate and lawful
- Local Governing Body: scrutinises decisions, considers reinstatement and ensures education provision
- Trust Board: monitors patterns, ensures compliance and approves policy
- Local Authority: provides education for permanently excluded pupils and administers review panels

Grounds for Suspension or Exclusion

- Serious incidents: physical assault, weapon use, or significant harm or threat

- Persistent breaches: bullying, discriminatory abuse or repeated non-compliance
- Exclusion must not be used for academic performance or unmet SEND needs

Safeguards and Vulnerable Groups

- Schools must consider mitigating factors such as bereavement, bullying or mental health
- Enhanced scrutiny for SEND, LAC and vulnerable pupils; exclusion only after graduated response
- Multi-agency input used where appropriate to understand behaviour drivers

Alternative Measures

- Suspension Lite, pastoral support plans, mediation and restorative practice are first-line approaches
- Off-site direction and managed moves may be used to prevent exclusion where in the pupil's best interest

Notification and Communication

- Parents must be informed immediately and in writing with reasons, duration and rights of representation
- Local Governors, CEO and LA must be notified without delay in defined circumstances
- Social workers and the Virtual School Head must be informed for vulnerable pupils

Education Provision

- Education must be provided from day 6 of suspension or exclusion (earlier where possible)
- Work should be set during the first five days to minimise disruption
- Provision must remain suitable, full-time and inclusive of SEND needs

Governance Oversight and Panels

- Local Governors review exclusions and can direct reinstatement where appropriate
- Parents may request an Independent Review Panel following permanent exclusion
- Panels consider fairness, legality and proportionality of decisions

Off-rolling and Compliance

- Off-rolling is prohibited; pupils must not be removed without formal process
- Part-time timetables or alternative provision must be justified and monitored
- All suspensions/exclusions must be accurately recorded on MIS systems

Monitoring and Assurance

- Termly reporting to Governors and Trust Board on patterns, groups and trends
- Analysis ensures exclusions remain a last resort and identifies any inequalities
- Policy is reviewed regularly and aligned to updated legislation automatically

Parent Summary

What this means for your child

- TCAT schools aim to support good behaviour so all children can learn safely and successfully
- Suspension and exclusion are serious actions and used only as a last resort

Key terms explained

- Suspension: your child is temporarily not allowed to attend school (up to 45 days in a school year)
- Exclusion: your child is permanently removed from the school
- Suspension Lite: an internal, in-school sanction used to prevent escalation

When might suspension or exclusion be used?

- Serious incidents such as violence, threats or use of prohibited items
- Repeated poor behaviour despite support and interventions

What our schools must consider

- Whether your child has additional needs (SEND), mental health needs or other vulnerabilities
- Any mitigating circumstances such as bullying or personal difficulties
- Whether alternatives to suspension or exclusion have been tried first

What happens if your child is suspended or excluded

- You will be informed immediately (phone and in writing) explaining reasons and length
- For the first 5 days, you must ensure your child is not in a public place during school hours without good reason
- Work will be provided initially, and full-time education will be arranged from day 6 if required

Your rights as a parent/carers

- You can make representations to the Local Governing Body about the decision
- You may attend meetings and bring a representative
- For permanent exclusions, you can request an Independent Review Panel

Support and alternatives

- TCAT schools will consider extra support such as pastoral plans or external agency involvement
- Off-site direction, managed moves or alternative provision may be explored if appropriate

Safeguarding and fairness

- Our schools must act fairly, lawfully and without discrimination
- Children with SEND must be appropriately supported before exclusion is considered

What will not happen

- Your child will not be excluded for poor academic performance
- TCAT schools will not use informal or unofficial exclusions
- TCAT schools must not pressure families to remove children from roll (off-rolling)

Further information

- You will be given clear information about any decision and how to challenge it
- Concerns can be raised through TCAT's Complaints Policy and Procedure

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](#)
- [Education and Inspections Act 2006](#)
- [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#)
- [Equality Act 2010](#)
- [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) \(Amendment and Transitional Provision\) Regulations 2023](#)
- [The European Convention on Human Rights \(ECHR\)](#)
- [Children's Wellbeing and Schools Act 2026](#)

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

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

Where legislation has been passed or updated during the shelf life of this policy, we will always apply the latest version available irrespective of the version quoted here.

This policy operates in conjunction with the following policies:

- Behaviour Policy
- Pupil Code of Conduct
- Complaints Policy and Procedures (GN9)
- Special Educational Needs and Disabilities (SEND) Policy (SD3)

- Child Protection and Safeguarding Policy and Procedures (SG1)
- Anti-Bullying Policy (SG19)
- Social, Emotional and Mental Health (SEMH) Policy (SG21)

Central TCAT policies have the policy number identified, e.g. "SG1". Where no policy number is identified this indicates the policy is a school specific policy available from an individual TCAT school's website.

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 individual TCAT school
- Reviewing and reassessing pupils' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement
- Arranging the hearing without delay at a time, date and venue convenient for all parties subject to statutory time limits
- Ensuring the Independent Review Panel consists of three or five members as appropriate, which represent the required categories
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review
- If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment

The Trust Board is responsible for:

- Liaising with the LA to arrange for an Independent Review Panel hearing to review the decision of a Local Governing Body and Trust Board not to reinstate a permanently excluded pupil where required
- Arranging for the Independent Review Panel hearing to be held via remote access when requested by parents or excluded pupils aged 18 and over
- Monitoring the use of suspensions and exclusions across TCAT schools
- Approving and updating this policy as required

Local Governing Bodies, as delegated by the Trust Board are responsible for:

- Providing information to the Secretary of State and LA about any suspensions and exclusions within the last 12 months
- Ensure that suspensions and exclusions are legally compliant
- 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
- Where a suspension or exclusion would result in a pupil missing a public examination or test, considering the suspension or exclusion before this date when possible
- 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 when 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 TCAT and 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
- Ensuring the outcome of the representation meeting is noted on the pupil's education record, along with copies of relevant papers for future reference
- Notifying the pupil's parents, the CEO, the Executive Headteacher/Headteacher/Head of School as appropriate, and the LA of its decision and the reasons for it, without delay
- Where appropriate, informing parents of where to apply for an Independent Review Panel
- Informing parents of relevant sources of information
- Ensuring a pupil's name is removed from the school admissions register, where appropriate
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the suspensions and exclusions review panel

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

Executive Headteachers, Headteachers and where delegated Heads of School are responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion
- Complying with their statutory duties in relation to pupils with SEND when administering the suspension or exclusion process
- Considering any mitigating factors that are identified after an incident of poor behaviour has occurred, e.g., if a pupil has suffered bereavement, experienced bullying or has a mental health issue
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour
- Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g., if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, those eligible for FSM, LAC, and those from certain ethnic groups
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs
- Determining whether a pupil will be suspended or excluded on disciplinary grounds
- Adhering to their responsibilities when cancelling an exclusion before the Local Governing Body or Trust Board has met to consider whether the pupil should be reinstated
- Withdrawing any suspensions or exclusions that have not been reviewed by the Local Governing Body, where appropriate
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair, and proportionate
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a pupil
- Where practical, ensuring that the pupil is given the opportunity to present their case before a decision is reached
- For Executive Headteachers and Headteachers, ensuring they have considered their legal duty of care when sending a pupil home following a suspension or exclusion
- Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings
- Ensuring that their school does not engage in unlawful 'off-rolling'

- Notifying a pupil's parents without delay where the decision is taken to suspend or exclude the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required
- Ensuring that all information provided to parents is clear and easily understood
- Notifying the CEO, Local Governors and the LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required
- Notifying the Local Governing Body at least once per term of any suspensions and exclusions in the Executive Headteacher/Headteacher's report to their Local Governing Body
- Notifying the CEO and Trust Board at least once per term of any suspensions and exclusions
- Arranging suitable full-time education for any pupil of compulsory school age who is suspended, where required

3. Grounds for suspension or exclusion

TCAT schools will only suspend or exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the individual TCAT schools Behaviour Policy, and the Suspension Lite protocols within this policy have failed to be successful. TCAT schools can apply such sanctions for instances of behaviour that bring the school into disrepute even if the occurrence is not on site or at normal school times.

Throughout TCAT, the following examples of behaviour **will** normally warrant the decision to suspend or exclude a pupil:

- Physical assault against a pupil where there is clear intent to cause harm or injury, arbitration is not possible and there is no remorse
- Physical assault against an adult where there is clear intent to cause harm or injury, arbitration is not possible and there is no remorse
- Use, or threat of use, of an offensive weapon or prohibited item with menace
- Verbal abuse or threatening behaviour against a pupil but arbitration has not been possible
- Verbal abuse or threatening behaviour against an adult but arbitration has not been possible

The following examples of behaviour **may** warrant the decision to suspend or exclude a pupil but may be deemed sanctionable under the Suspension Lite Protocol:

- Physical assault against a pupil where there was no clear intent to cause harm or injury, arbitration is possible and there is remorse

- Physical assault against an adult where there was no clear intent to cause harm or injury, arbitration is possible and there is remorse
- Verbal abuse or threatening behaviour against a pupil but arbitration has been successful
- Verbal abuse or threatening behaviour against an adult but arbitration has been successful
- Use, or threat of use, of an offensive weapon or prohibited item but not with menace
- Persistent bullying
- Persistent discriminatory abuse
- Persistent defiance or non-compliance

The following examples of behaviour **may** warrant the decision to suspend or exclude a pupil but will **in most instances** result in an internal sanction under the Suspension Lite Protocol:

- Bullying, note, repeated instances after restorative strategies have been deployed may result in suspension or exclusion
- Discriminatory abuse, e.g., racist, homophobic, biphobic, transphobic or ableist abuse
- Defiance or non-compliance

In all instances of behaviour, the school's individual Behaviour Policy must be used to determine sanctions in conjunction where appropriate with the Suspension Lite Protocol.

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. Heads of School can make a recommendation to suspend or exclude to the Executive Headteacher. In all cases, the Executive Headteacher or Headteacher will confirm whether a pupil will be subject to a suspension or an exclusion, depending on what the circumstances warrant and in line with the TCAT Suspension Lite/Suspension/Exclusion Protocol.

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

A suspension or exclusion decision will not be made:

- Due to a pupil's poor academic performance
- Because the pupil has not attended a reintegration meeting
- On non-disciplinary grounds, such as the action of a pupil's parents

A suspension or exclusion decision will not normally be made:

- Because a pupil has SEND that the school feels unable to support

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

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

4. The power to suspend and exclude

Only Executive Headteachers or Headteachers have the legal power to suspend or exclude a pupil from a TCAT school and are able to decide whether either a suspension or exclusion is appropriate. All suspensions and exclusions will only be issued on disciplinary grounds. Executive Headteachers will confirm recommendations from Heads of School to suspend where the processes in this policy have been followed, and suspension is an appropriate sanction.

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

When sending a pupil home following any suspension or exclusion, Executive Headteachers or Headteachers will ensure that they exercise their duty of care at all times and will always ensure parents are informed at the earliest opportunity.

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 TCAT's wider legal duties, including the ECHR. At all times, Executive Headteachers or Headteachers 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.

Executive Headteachers or Headteachers 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.

Only Executive Headteachers or Headteachers may cancel any suspension or exclusion that has already begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the Local Governing Body. Where a suspension or exclusion is cancelled, the Executive Headteacher or Headteacher will notify the pupil's parents, the Local Governing Body, CEO, the LA, and, where relevant, the Virtual School Head (VSH) and the pupil's social worker. The Executive Headteacher or Headteacher will offer the pupil's parents the opportunity to meet with the CEO and themselves to discuss the circumstances that led to the cancellation of the suspension or exclusion, and the pupil will be allowed back into school without delay.

When a suspension or exclusion is cancelled, the Local Governing Bodies 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.

Executive Headteachers and Headteachers will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to their Local Governing Body and the CEO at least once per term, to allow them to have appropriate oversight.

Executive Headteachers and Headteachers 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. Executive Headteachers, Headteachers or Heads of School 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 TCAT school's MIS.

5. Factors to consider when suspending or excluding a pupil

When considering the suspension or exclusion of a pupil, Executive Headteachers and Headteachers will:

- Allow the pupil the opportunity to present their case once evidence has been collected

- 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
- Take into consideration whether all alternative solutions have been explored pursuant to their school's Behaviour Policy
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour

Executive Headteachers and Headteachers 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
- Certain ethnic groups

Executive Headteachers and Headteachers 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 their Executive Headteacher, Headteacher or Head of School, 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 as outlined in TCAT's Social, Emotional and Mental Health (SEMH) Policy.

Where a pupil has an EHC Plan, the Executive Headteacher or Headteacher will consider whether to request an emergency review for a pupil with an EHCP at risk of suspension or exclusion.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the TCAT schools Behaviour Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff and breaching the school's Behaviour Policy, 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 behaviour related need that could not be met at the school, and the pupil has met the threshold for exclusion in line with DfE statutory guidance. 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.

Executive Headteachers, Headteachers and Heads of School will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

Off-rolling and unlawful exclusions

All TCAT schools will ensure that all suspensions and permanent exclusions are carried out in accordance with relevant legislation and statutory guidance.

TCAT schools will not use informal or unofficial suspensions or exclusions. Where a pupil is required to leave the school site or is prohibited from attending school on disciplinary grounds, this will only take place through a formal suspension or permanent exclusion process. This includes suspensions of part of a school day.

All suspensions and permanent exclusions will be formally recorded and communicated to parents in writing.

TCAT schools **will not** suspend or permanently exclude a pupil for unlawful reasons, including because:

- The pupil has SEND that the school considers difficult to support
- Of the pupil's academic attainment or ability
- A parent or pupil has not complied with a condition that is not lawfully required for reinstatement following a suspension
- A parent or pupil refuses to agree to a managed move

TCAT schools will not engage in practices that could constitute off-rolling. Off-rolling occurs when a pupil is removed from the school roll, or encouraged to leave the school, without following the appropriate legal processes and where this is primarily in the interests of the school rather than the pupil.

Examples of practices that TCAT schools **will not** use include:

- Pressuring or encouraging parents to remove their child from the school, including through elective home education, to avoid a suspension or permanent exclusion
- Directing a pupil to alternative provision where this is not in the pupil's best interests
- Sending a pupil home without formally recording the absence as a suspension
- Placing a pupil on a part-time timetable for disciplinary reasons without appropriate justification and oversight
- Removing a pupil from the admission register other than in accordance with the relevant regulations

Parents who believe that suspension or permanent exclusion procedures have not been followed, or who feel they have been pressured to remove their child from any TCAT school, may raise their concerns through TCAT's Complaints Policy and Procedure.

6. Separation of pupils for safeguarding purposes

In exceptional circumstances, TCAT schools may temporarily prevent a pupil from attending the school site for safeguarding reasons. This may be necessary where allegations or concerns relating to the safety or welfare of pupils require one or more pupils to be separated while risks are assessed and managed.

Any decision to temporarily prevent a pupil from attending a TCAT school site for safeguarding reasons will not be treated as a suspension or permanent exclusion and will not be recorded as such.

Such decisions will be made on a case-by-case basis, led by the DSL or a DDSL, and informed by professional judgement, relevant safeguarding guidance and, where appropriate, advice from external agencies such as children's social care or the police.

The school will inform parents of the reasons for the arrangement as soon as reasonably practicable and will notify their Local Governing Body without delay. The Local Governing Body will ensure that this measure is used only in exceptional circumstances where separation is necessary and cannot reasonably be achieved while allowing all pupils to remain on the school site.

In making any decision to separate pupils for safeguarding purposes, TCAT schools will have regard to their duties under safeguarding legislation and guidance, including Keeping Children Safe in Education, the Human Rights Act 1998 and the Equality Act 2010.

Where a pupil is unable to attend the school site for safeguarding reasons, the school will work with the LA, parents and other relevant agencies to ensure that suitable education is arranged in accordance with statutory requirements.

7. Alternative measures

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

Off-site direction

TCAT schools will consider the use of off-site direction where interventions and targeted support have not been successful in improving a pupil's behaviour. Off-site direction will be used to arrange a time-limited placement at alternative provision or another mainstream school, with the aim of supporting behavioural improvement and successful reintegration.

Where a pupil attends another school under an off-site direction arrangement, the school will ensure that attendance is recorded in accordance with statutory requirements, including the use of the appropriate attendance code.

Where appropriate, TCAT schools will prioritise in-school interventions and targeted support, including support from alternative provision providers, to meet a pupil's individual behavioural, educational or SEND needs before considering an off-site placement.

Off-site direction may be arranged on a full-time basis or as part of a blended provision combining attendance at alternative provision with continued attendance at the school. Before any placement begins, the school will agree a proposed maximum duration and will consider future options, including reintegration arrangements or, where appropriate, a managed move following review of the placement.

Local Governing Bodies will comply with all relevant legislation and statutory guidance relating to off-site direction and alternative provision arrangements.

Local Governing Bodies will ensure that all off-site direction arrangements have clear objectives, specified timescales and appropriate monitoring arrangements. Parents, carers, and where applicable, the LA for pupils with an EHC Plan, will be notified in writing of the placement as soon as reasonably practicable and no later than two school days before the placement begins.

Written notification will include:

- The address where the educational provision will be delivered
- The name of the person to whom the pupil will report on first attendance

- The duration of the placement
- The reasons for, and objectives of, imposing the requirement
- Details of the daily timetable, including session times and breaks where applicable

Parents, and where applicable, the LA for pupils with an EHC Plan, will be entitled to request a review meeting in writing. The Local Governing Body will arrange such a meeting as soon as reasonably practicable unless a review has already taken place within the previous ten weeks.

Local Governing Bodies will keep placements and reintegration arrangements under regular review for the duration of any off-site direction. Review meetings will take place at intervals determined by the needs of the pupil. Written invitations to attend review meetings, or to submit written views, will be issued to parents, carers and where applicable, the LA at least six days before the meeting. Schools will seek to arrange review meetings at a date and time that is reasonably convenient for those invited to attend.

Following each review meeting, the Local Governing Body, in consultation with school leaders, will determine whether the placement should continue and, if so, for how long. Review arrangements, including the date of the next review and the individuals who should be involved, will be agreed and recorded.

Review meetings may involve the pupil, parents, school staff and relevant agencies, including social workers, Child and Adolescent Mental Health Services (CAMHS), Multi-Agency Safeguarding Hubs (MASH), Youth Justice Teams and the LA where appropriate. The school will maintain written records of all reviews and ensure that reviews take place frequently enough to assess whether the placement is achieving its intended outcomes.

The Local Governing Body will notify parents, or pupils aged over 18, in writing of its decision following each review meeting, including whether the placement will continue, the duration of any continuation and the reasons for the decision. This notification will be issued no later than six days after the review meeting.

Throughout any period of off-site direction, TCAT schools will seek to ensure that pupils continue to receive a broad and balanced curriculum while interventions are delivered to address behavioural concerns. Where a pupil has a disability or special educational needs, the school will continue to fulfil its duties under the Equality Act 2010 and the Children and Families Act 2014, including making reasonable adjustments and providing appropriate support.

The duration of any off-site placement will be determined by the individual needs of the pupil and the extent to which the placement supports positive behavioural outcomes.

Before any off-site direction begins, the school and the receiving school or provision will ensure that all relevant information is shared, including attainment information, assessment data, risk assessments, safeguarding information and effective support strategies. The LA will also be involved where appropriate.

TCAT schools will ensure they can demonstrate that appropriate early intervention and support have been implemented before an off-site direction is arranged. This may include multi-agency involvement, targeted interventions and relevant statutory assessments. Effective information sharing between the school, the receiving school and other relevant agencies will take place before the placement begins to ensure that the pupil's welfare, safety and educational needs are fully supported.

Managed moves

Where it is thought to be in a pupil's best interest to transfer them to another mainstream school permanently, the Executive Headteacher or Headteacher and Local Governing Body will discuss this with the parents of the pupil, and the LA if the pupil has an EHC Plan. Managed moves will only go ahead with the voluntary agreement of all parties involved, including the parents and the admission authority of the new school.

A managed move is a permanent transfer to another mainstream school as part of a planned intervention and will only be used where it is considered to be in the pupil's best interests.

TCAT schools will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. This may include evidence of multi-agency support and any relevant statutory assessments where appropriate.

TCAT schools will participate in information sharing with pupil's new schools, including sending data on prior and current attainment, academic potential and any risk management strategies. Information sharing will also include safeguarding information, current risk assessments and advice on effective ongoing risk management and pupil support strategies where appropriate.

TCAT schools will also cooperate with pupil's new schools to create an effective integration strategy.

Where a pupil has an EHC plan, the school will liaise with the LA before a managed move is agreed and will follow the relevant statutory procedures for amending the plan where required.

TCAT schools will not use trial managed moves. Where a temporary placement at another school is required to support a pupil's behaviour, this will be arranged through off-site direction.

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

TCAT schools will not permanently exclude a pupil because a parent or pupil refuses to agree to a managed move.

8. Duty to inform parents

Following an Executive Headteacher's or Headteacher's decision to suspend or exclude a pupil, they will immediately ensure parents are informed, 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.

Executive Headteachers or Headteachers will inform 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 a suspension or exclusion
- The length of the suspension or permanency of the exclusion
- Their right to raise any representations about the suspension or exclusion to the Local Governing Body, including how the pupil will be involved in this and how the representations will be made
- Their right to make a request to hold the meeting via remote access and how this request can be made
- Their right to attend a meeting where there is a legal requirement for the Local Governing Body 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, Executive Headteachers or Headteachers will ensure parents are informed 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 an Executive Headteacher or Headteacher has arranged alternative provision, they will also ensure parents are informed 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 Executive Headteacher or Headteacher is unable to provide information on alternative provision by the end of the afternoon session, they will ensure the information is provided in a subsequent written notice without further delay, and at least 48 hours before the pupil begins the provision. If the alternative provision is due to begin before the sixth day of the suspension or exclusion, the Executive Headteacher or Headteacher is able to give less than 48 hours of notice, with parental consent.

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

9. Duty to inform the Trust Board and Local Authority

Executive Headteachers and Headteachers will inform the Local Governing Body and the CEO, 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, Executive Headteachers and Headteachers will notify the Local Governing Body and the CEO at least once per term accordingly.

Executive Headteachers and Headteachers will inform the LA of all suspensions or exclusions, regardless of their length, without delay.

All notifications to the Local Governing Body, CEO 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 TCAT school is located, the Executive Headteacher or Headteacher as appropriate will notify the pupil's 'home authority.'

10. Duty to inform social workers and the Virtual School Head

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

Social workers and/or the VSH will also be informed when a meeting of the Local Governing Body is taking place to review a suspension/exclusion and will be invited to attend the meeting should they wish to do so.

Social workers and VSHs will be allowed to join a Local Governing Body 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. Arranging education for suspended and excluded pupils

For any suspensions of more than five school days, the Local Governing Body will ensure the Executive Headteacher/Headteacher/Head of School arranges suitable full-time education for the pupil, which will begin no later than the sixth day of suspension. Where a pupil receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension. For exclusions, full-time education will be provided for the pupil from the sixth day of exclusion.

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

The Local Governing Body 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 Executive Headteacher or Headteacher as delegated by the Local Governing Body 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 Executive Headteacher or Headteacher as appropriate will ensure that they take reasonable steps to set and mark work for the pupil.

If a pupil with SEND has been suspended or excluded, the Local Governing Body 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

A re-integration meeting will be held with the pupil, parents and a member of senior staff as appropriate following a period of suspension. If the parents are either unable or unwilling to attend the re-integration meeting, the pupil will still be permitted to return to the classroom.

12. Considering suspensions and exclusions

The Local Governing Body will consider any representations made by parents regarding suspensions and exclusions.

Parents and, where requested, a friend or representative, the CEO, Executive Headteacher, Headteacher and/or Head of School as appropriate, and a member of the LA will be invited to attend any consideration of suspensions and exclusions and will be able to make representations.

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 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 Local Governing Body 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 less than 16 school days within a term (this includes suspensions that exceed 15 school days by less than a whole day, e.g. one that totals 15.5 days), if parents make representations, the Local Governing Body will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the Local Governing Body will consider the reinstatement on their own.

Where a suspension will take a pupil's total number of school days out of school above five but less than 15 for the term, and parents have not requested a Local Governing Body meeting, the Local Governing Body will not be required to consider the pupil's reinstatement, but it will have the power to do so if it deems it appropriate.

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 Local Governing Body will consider all representations made by parents; however, the Local Governing Body 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 Local Governing Body will consider the suspension or exclusion where reasonably practicable before the test to decide whether the pupil should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of Local 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 Local Governing Body 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 Local Governing Body 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

13. Reaching a decision

After considering suspensions and exclusions, Local Governing Bodies will either:

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

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

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

To reach a decision, the Local Governing Body 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 Executive Headteacher or Headteachers legal duties and any evidence that was presented to the Local Governing Body 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

14. Notification of considered suspensions and exclusions

The Local Governing Body will notify the parents of the suspended or excluded pupil, the CEO, Executive Headteacher, Headteacher, Head of School as appropriate, and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay.

In the case of exclusion, where the Local Governing Body decides not to reinstate the pupil, they will notify the parents:

- That the exclusion is permanent
- Of their right for it to be reviewed by an Independent Review Panel
- Of the date by which an application for review must be made

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

The Local Governing Body 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 Local Governing Body will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

15. Removing excluded pupils from the school register

Executive Headteachers or Headteachers will remove pupils from their school register if:

- 15 school days have passed since the parents were notified of the Local Governing Bodies 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 Executive Headteacher or Headteacher will wait until the review has been determined, or abandoned, and until the Local Governing Body 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 Executive Headteacher or 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

16. Independent Review Panel

TCAT, as an Academy Trust has a duty to arrange independent reviews in line with LA practice, and will seek to delegate the arrangement of any such review to the LA. Where the LA, having been requested by TCAT to arrange and conduct the independent review is unable to do so, it is the responsibility of TCAT to ensure an Independent Review Panel is instigated.

The panel will review the Local Governing Bodies decision not to reinstate an excluded pupil if the parents submit their application for this within the required time frame.

The panel will comprise 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 Local Governing Bodies 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 Local Governing Bodies initial consideration of the exclusion.

A review will take place within 15 school days of the parents' application for a review being made.

Parents can request that Independent Review Panels take place via remote access.

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

17. Appointing a SEND expert

If requested by parents in their application for an Independent Review Panel, the LA having been appointed by TCAT to do so, will appoint a SEND expert to attend the panel. 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 impartial 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.

18. 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 TCAT'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 TCAT does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe TCAT 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 TCAT's policies or actions simply because they believe a different approach should have been followed or because another school or trust might have taken a different approach.

19. 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 Local Governing Body when the decision was made not to reinstate the pupil.

20. 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, CEO, Executive Headteacher, Headteacher, Head of School as appropriate and Local Governing Body 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 LA will undertake the functions outlined above.

21. The duties of the Independent Review Panel

The role of the panel is to review the Local Governing Bodies 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 Local Governing Body reconsiders reinstatement
- Quash the decision and direct that the Local Governing Body 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, Local Governing Body and Trust Board, CEO, Executive Headteacher or Headteacher and LA.

22. Conducting Local Governing Body or Independent Review Panels via remote access

Parents will be able to request that Local Governing Body meetings or Independent Review Panels considering suspensions and exclusions are held via remote access; however, parents will be made aware that this is not the default option.

Where a parent makes a request correctly in line with instructions set out in the written notification, the Local Governing Body or LA will hold the meeting via the use of remote access.

Remote meetings and panels will be held in accordance with timelines for face-to-face meetings.

Where a request for a meeting to be held via remote access is not made, or the parent does not state a preference, the meeting or panel will be held in person unless it is not practicable to do so.

If there is a reason related to extraordinary events or unforeseen circumstances, e.g. an outbreak of an infectious illness, which means it is not reasonable for a meeting or panel to be held in person, it may be held via remote access.

Meetings will only be held via remote access if the Local Governing Body or LA is satisfied that that the meeting can be held fairly and transparently. If this cannot be done, the Local Governing Body or LA will consult with the parent to discuss how a face-to-face meeting can be arranged that will be convenient for them.

If there are technological or internet issues during a remote meeting which compromises the ability for participants to be seen or heard or prevents the meeting from being held fairly and transparently and it is not reasonably practicable to resolve, a face-to-face meeting will be arranged without delay.

When holding meetings or panels via remote access, the Local Governing Body or LA will:

- Comply with relevant equalities legislation
- Enable access to support which the parent is entitled to, including the presence of a friend
- Confirm with all participants that they have access to the technology that will allow them to participate in the meeting or panel
- Ensure all the participants will be able to put across their point of view and/or fulfil their function
- Ensure the remote meeting or panel can be held fairly and transparently

23. Reconsidering reinstatement following a review

Where the Independent Review Panel instructs the Local Governing Body 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.

TCAT is aware that if, following an instruction to reconsider, the Local Governing Body does not offer to reinstate the pupil, then TCAT will be required to make a payment of £4,000 directly to the LA area in which the TCAT school is located.

TCAT is aware that if, following a recommendation to reconsider, the Local Governing Body does not offer to reinstate the pupil, it will not be subject to a financial adjustment. If, following reconsideration, the Local Governing Body offers to reinstate the pupil, but the parents decline, no adjustment will be made to TCAT's budget.

Following reconsideration, the Local Governing Body will notify the parents, CEO, Executive Headteacher or Headteacher as appropriate and LA of their reconsidered decision and the reasons for this.

24. Criminal investigations

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

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

If a Local Governing Body is required to consider an Executive Headteachers or Headteachers decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

25. 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 Executive Headteachers, Headteachers, Local Governing Bodies, Trust 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.

26. Using data

Executive Headteachers and Headteachers will ensure that all data regarding suspensions and exclusions is collected and provided to the CEO and Local Governing Body on at least a termly basis as appropriate. The CEO, Local Governing Bodies and the Trust Board 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 TCAT
- Consider the effectiveness and consistency in implementing the individual TCAT schools 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

Monitoring and review

At any point this policy is updated or fully reviewed, it will be updated on the main TCAT website and will automatically update on all TCAT school websites simultaneously.

Where an annual check or other check results in minor changes, the Version History will be reviewed and updated with a change in the number following the decimal point, for example, v1.1 ⇒ v1.2. Where the policy is reviewed in full, then the number before the decimal point will change and reset, for example v1.4 ⇒ v2.0.

Any changes made by the CEO in collaboration with the Board Appointed Trustee will be passed to the Trust Board for ratification and subsequently be notified to Clerks to Local Governing Bodies and Headteachers/Heads of School.

The next scheduled full review date for this policy is 25th June 2029.

Date approved by the Board Appointed Trustee: 26th June 2026.

To be ratified and recorded in the minutes at the first Trust Board Meeting after 26^h June 2026.

Appendix A: Three Counties Academy Trust Suspension Lite / Suspension / Exclusion Protocol

Glossary:

Suspension Lite is our term for what is an internal response. By referring to it as Suspension Lite it reinforces that it is a suspension but administered on site so gives it sufficient gravity for the pupil and in discussions with parents.

Suspension, which was previously known as fixed term exclusion, refers to a period of time where the pupil is prohibited from school attendance.

Exclusion which was formerly known as permanent exclusion and reflects an intention to remove a child from a school role permanently subject to an appeals process.

Unless there is a distinct need, you should refrain from issuing more than 1 day of Suspension Lite as it may reduce in effectiveness. The idea is to increase the degree to which being placed on Suspension Lite resonates with the child and the parents as a serious behavioural response to their actions, it is in effect a chance to correct behaviour that could have resulted (or will result) in a formal suspension.

Suspensions are issued by the Executive Headteacher or Headteachers and as there are highly effective Heads of School in place in TCAT schools, suspensions of up to 5 days in length can be confirmed on the recommendation of a Head of School by the Executive Headteacher for that school subject to the provisions within this policy having been met. Suspensions of 5 days or less cannot be challenged by parents nor by Local Governors/Trustees.

Exclusions are and should remain rare. They can only be issued by the Executive Headteacher or by the Headteacher. Part of the consideration as to whether to proceed to with exclusion by the Executive Headteacher or Headteacher will rest upon a judgement the CEO makes as to the quality of the evidence, and they will advise the Executive Headteacher or Headteacher accordingly so that they can consider this when making their decision. It may be the case that a pupil warrants an exclusion for persistent disruptive behaviour, but it is recommended on the basis of the evidential paperwork not being sufficiently robust (as this would happen at independent appeal) to reconsider the exclusion, so an effective evidence pack must be available so that we can avoid that situation.

The table on the next page needs to be administered over a 12-month rolling programme. As an incident of the 12-month rolling programme is older than 12 months it effectively becomes “spent” and the pupil moves down the thresholds accordingly. For example, where a pupil is at the 4th offence not meeting suspension threshold, and their 1st offence becomes spent (over 12 months old), then they would move to the 3rd offence

provision. It is not appropriate to bind over behaviour issues for a full 5-year period and so the dating of incidents and sanctions is particularly important in applying the correct threshold intervention as per the table below. Additionally, at all stages leading to this and for the stages detailed below, meticulous record keeping must be maintained of all paperwork, emails, communications etc that may be required for the final stage of this process. The responsibility for putting forward an evidence pack at any stage of the process rests with the Executive Headteacher or Headteacher using their SLT and other administrative support.

1 st offence (not meeting suspension threshold)	0.5-day internal suspension (Suspension Lite), phone call home by Assistant Headteacher or designated staff member, restorative actions taken, Monitoring Report Card as appropriate.
2 nd offence (not meeting suspension threshold)	1.0-day internal suspension (Suspension Lite), phone call home by Assistant Headteacher or designated staff member, restorative actions taken, Monitoring Report Card as appropriate.
3 rd offence (not meeting suspension threshold)	1.0-day internal suspension (Suspension Lite), parental meeting with Assistant Headteacher or designated staff member requested, notification in writing that further offences will lead to the issuing of a formal suspension, Monitoring Report Card as appropriate.
4 th offence (not meeting suspension threshold)	Issuing of a formal suspension for persistent conduct issues by Executive Headteacher or Headteacher, 1 day with follow up meeting with Deputy Headteacher, Assistant Headteacher or designated staff member and issuing of Monitoring Report Card.
1 st offence (meets suspension threshold)	Issuing of a formal suspension by Executive Headteacher or Headteacher, 1 day with follow up meeting with Deputy Headteacher, Assistant Headteacher or designated staff member and parents and issuing of Monitoring Report Card.
2 nd offence (meets suspension threshold)	Issuing of a formal suspension by Executive Headteacher or Headteacher, 2 days with follow up meeting with Deputy Headteacher, Assistant Headteacher or designated staff member and parents and issuing of Monitoring Report Card. Notification of intention to initiate a Pastoral Support Plan (PSP).
3 rd offence (meets suspension threshold)	Issuing of a formal suspension by Executive Headteacher or Headteacher, 3 days with follow up meeting with Headteacher/Head of School and/or Deputy Headteacher and parents. (PSP to be drawn up and signed off).
4 th offence (meets suspension threshold)	Issuing of a formal suspension by Executive Headteacher or Headteacher, 5 days with follow up meeting with Headteacher/Head of School and/or Deputy Headteacher, member of the Local Governing Body, LA representative if available, other agencies as appropriate and parents. PSP to be reviewed for effect, adjusted if required and signed

	off. Written notification that a further offence will see the school either recommending a Managed Move or pursue a formal exclusion. Note, LGB attendee may not sit on Panel A or B.
5 th offence (meets suspension criteria)	<p>Issuing of a formal suspension by Executive Headteacher or Headteacher, 5 days with follow up meeting with Executive Headteacher, Headteacher/Head of School and/or Deputy Headteacher, member of the Local Governing Body and parents. PSP to be reviewed for effect, adjusted if required and signed off. Managed Move to be initiated and monitored by the AHT. Note, LGB attendee may not sit on Panel A or B.</p> <p>OR</p> <p>In the absence of an agreement as to a Managed Move, move to next stage.</p>
6 th offence (meets suspension criteria or breakdown of Managed Move)	Notification of intention to exclude pupil and remove from school registers. Panel A established in preparation.
1 st offence (serious breach of school rules)	<p>Issuing of a formal suspension by Executive Headteacher or Headteacher, 5 days with follow up meeting with Executive Headteacher, Headteacher/Head of School and/or Deputy Headteacher, member of the Local Governing Body, outside agencies as appropriate and parents. Final warning as to future conduct within school or Managed Move to be initiated and monitored.</p> <p>OR</p> <p>Notification of intention to exclude pupil and remove from school registers. Panel A established in preparation.</p>

Appendix B: Three Counties Academy Trust Pre-Suspension Recommendation Decision Making Report



To be completed **before** a decision to suspend a pupil is made and communicated to the pupil and parents/carers.

1. Have the full facts of the incident(s) been established?

- Yes Partially No
- Summary of evidence collected (include statements, CCTV, etc.):

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2. Have I spoken to the pupil concerned whilst they are regulated and obtained a clear version of events?

- Yes No (explain why below)
- Pupil's account of the incident:

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3. Have I consulted relevant staff and reviewed context?

- Class teacher/form tutor
- SENCO
- DSL
- Pastoral Team
- Summary of views/concerns raised:

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4. Does the pupil have SEND, an EHCP, or is there any indication of unmet need or additional vulnerability?

- No known SEND
- Yes – detail below:

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- Has advice from the SENCO or external agencies been sought?
- No known SEND
- Yes – detail below:

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5. Is this child currently subject to a Child in Need / Child Protection Plan, or a looked-after child (LAC)?

- Yes No
- If yes, has the social worker or Virtual School Head been informed and involved in the decision-making?
 Yes No Not yet – action planned

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6. Have I considered alternative strategies to avoid suspension?

- Pastoral support plan (PSP)
- Mediation/Restorative conversation
- Internal reflection space / Suspension Lite protocol
- Family meeting
- Adjustment of timetable / curriculum
- Strategies considered and rationale for acceptance/rejection:

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7. Is the behaviour serious enough to warrant a suspension? (Refer to behaviour policy).

- What specific school rule or policy was breached?
- Justification for suspension as a proportionate response?

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8. Has the impact of a suspension on this pupil's education and wellbeing been considered?

- Risks identified (e.g. academic gaps, escalation of behaviour):

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- Have catch-up/reintegration plans been considered or prepared?

Yes No

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9. Have I consulted with another senior leader or local governor to reflect on this decision?

- Yes No
- Who was consulted and was any concern raised or alternative suggested?

.....
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10. Final Decision:

- Proceed with suspension or recommendation to suspend (Executive Headteacher to countersign for Heads of School)
- Take alternative action (describe below):

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.....

Signed Headteacher:

Date.....

CEO consulted Yes

Signed Executive Headteacher:

Date.....

CEO consulted Yes

Copy to be added to Bromcom and filed by Pastoral Team at direction of HT/HoS

Trust Glossary

AA	Admissions Authority	H&S	Health and Safety
AAI	Adrenaline Auto-Injector (Epi Pen)	HoS	Head of School
ACM	Asbestos Containing Materials	HSE	Health and Safety Executive
AHT	Assistant Headteacher	ICO	Information Commissioners Office
AIR	Attendance Intervention Reviews	IDSR	Inspection Data Summary Report
APDR	Assess Plan Do Review Cycle	IHP	Individual Healthcare Plan
APIs	Application Programming Interfaces	IRMS	Information and Records Management Society
ASC	Autistic Spectrum Condition	IWF	Internet Watch Foundation
ASP	Analyse School Performance	KCSIE	Keeping Children Safe in Education
ATH	Academy Trust Handbook	KS1/2/3/4	Key Stage 1/2/3/4
BAME	Black, Asian and Minority Ethnic Backgrounds	LAC	Looked After Child
BAT	Board Appointed Trustee	LADO	Local Authority Designated Officer
BCP	Business Continuity Plan	LGB	Local Governing Body
BFR	Budget Forecast Return	LLC	Low-Level Concerns
CEO	Chief Executive Officer	LSA	Learning Support Assistants
CFO	Chief Financial Officer	MASH	Multi-Agency Safeguarding Hub
CIF	Condition Improvement Fund	MAT	Multi-Academy Trust

CIN	Child in Need	MFA	Multi-Factor Authentication
CLA	Children Looked After	MFL	Modern Foreign Language
CMIE	Child Missing in Education	NCSC	National Cyber Security Centre
COO	Chief Operating Officer	NoV	Note of Visit
COSHH	Control of Substances Hazardous to Health	NPQ	National Professional Qualifications
CP	Child Protection	PA	Persistent Absence
CPD	Continuing Professional Development	PAN	Published Admission Number
CPOMS	Child Protection Online Management System	PECR	Privacy and Electronic Communications Regulations
CSCS	Children's Social Care Services	PEP	Personal Education Plan
CSE	Child Sexual Exploitation	PEEP	Personal Emergency Evacuation Plan
CTIRU	Counter-Terrorism Internet Referral Unit	PEx	Permanent Exclusion
CWD	Children with Disabilities	PP	Pupil Premium
CYPMHS	Children and Young People's Mental Health Services	PPG	Pupil Premium Grant
DBS	Disclosure and Barring Service	PSHE	Personal, Social and Health Education
DDSL	Deputy Designated Safeguarding Lead	PSED	Public Sector Equality Duty
DfE	Department for Education	PTFA	Parent, Teacher and Friends Association
DHT	Deputy Headteacher	QA	Quality Assurance

DSE	Display Screen Equipment	RIDDOR	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations
DSL	Designated Safeguarding Lead	RHE	Relationships and Health Education
DPO	Data Protection Officer	RPA	Risk Protection Arrangement
EAL	English as an Additional Language	RSHE	Relationships, Sex and Health Education
ECT	Early Career Teacher	SA	Severely Absent
EDIB	Equality, Diversity, Inclusion and Belonging	SALT	Speech and Language Therapist
EHA	Early Help Assessment	SARC	Sexual Assault Referral Centre
EHCNA	Education, Health and Care Needs Assessment	SBM	School Business Manager
EHCP	Education, Health and Care Plan	SCC	Standard Contractual Clause
EHE	Elective Home Education	SCITT	School-Centred Initial Teacher Training
ELSA	Emotional Literacy Support Assistant	SCR	Single Central Record
ESFA	Education and Skills Funding Agency	SDP	School Development Plan
EVC	Educational Visit Coordinator	SDQ	Strengths and Difficulties Questionnaire
EWOSSO	Education Welfare and Safeguarding Support Officer	SEF	Self-Evaluation Form
EYFS	Early Years Foundation Stage	SEMH	Social, Emotional, and Mental Health
FBV	Fundamental British Values	SENCO	Special Educational Needs Coordinator
FFT	Fischer Family Trust	SEND	Special Educational Needs and Disabilities

FGM	Female Genital Mutilation	SIP	School Improvement Partner
FGMPO	FGM Protection Order	SLA	Service Level Agreement
FOI	Freedom of Information	SLCN	Speech, Language and Communication Needs
FSM	Free School Meals	SLT	Senior Leadership Team
FTS	Find a Tender Service	SPOC	Single Point of Contact
GAG	General Annual Grant	STEM	Science, Technology, Engineering and Maths
GDPR	General Data Protection Regulation	TA	Teaching Assistant
GIAS	Get Information about Schools	TAC	Team Around the Child
HASH	Herefordshire Association of Secondary Heads	TCAT	Three Counties Academy Trust
HBA	Honour Based Abuse	TUPE	Transfer of Undertakings (Protection of Employment)
HR	Human Resources	VSH	Virtual School Headteacher