

Exclusion Policy

Policy Code:	SW2
Policy Start Date:	September 2025; Updated July 2026
Policy Review Date:	September 2027

Please read this policy in conjunction with the policies listed below:

- HR6 Data Protection Policy
- HR9 Positive Handling and Safe Touch Policy
- HR33 Records Management Policy
- ICT1 CCTV Policy
- ICT3 Online Safety (Pupils) Policy
- SW3 Misuse of Drugs Policy
- SW4 Student Behaviour and Discipline Policy
- SW5 Safeguarding and Child Protection Policy
- SW6 Anti-Bullying Policy
- SW9 Parental Communications and Complaints Policy
- SW15 LAC and post-LAC Policy
- TL6 Special Educational Needs and Disability Policy

1 Policy Statement

- 1.1 The policy outlines the Trust's approach to exclusions – including permanent exclusions and suspensions. This policy has been written in line with the DfE's *Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement*, as well as the DfE guidance *Behaviour in Schools*.
- 1.2 This policy takes into account the following legislation: the Education Act 2022 (as amended by the Education Act 2011); the School Discipline (Pupil Exclusions and Reviews) (England) Regulation 2012; the Education and Inspections Act 1996; the Education Regulations 2007 (as amended by the Education Regulations 2014); the Equality Act 2010; and the Human Rights Act 1998.
- 1.3 References to the Trust or Academy within this policy specifically include all nursery, primary, secondary and special academies within the Trust, as well as Priory Apprenticeships and Lincolnshire ITT.
- 1.4 This policy does not form part of any member of staff's contract of employment and it may be amended at any time.

2 Roles, Responsibilities and Implementation

- 2.1 The Education & Standards Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. This committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Director of Safeguarding.
- 2.2 This policy is approved by the Education & Standards Committee before being ratified at the next available Trust Board meeting. Approval and ratification is minuted, with records kept by the Clerk to Trustees.
- 2.3 Leaders and Managers have a specific responsibility to ensure the fair application of this policy and all staff are responsible for supporting colleagues and ensuring its success.

3 Aims

- 3.1 To ensure the exclusions process is applied fairly and consistently.
- 3.2 To ensure that, where necessary, exclusions, suspensions, managed moves and off-site directions are used to uphold high standards of behaviour in our settings, and maintain the safety of the Trust community.

3.3 To ensure that exclusions and suspensions are used only when strategies, practices and interventions set out within the DfE's *Behaviour in Schools* guidance have not been successful in improving a pupil's behaviour, or the use of more significant interventions or sanctions are required.

3.4 To ensure that staff, pupils, parents, Trustees and governors understand the processes around permanent exclusions, suspensions, managed moves and off-site directions.

4 Duties under the Equality Act 2010 and Children and Families Act 2014

4.1 Under the Equality Act, schools must not discriminate against, harass, or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage, and the provision of auxiliary aids and services.

4.2 In carrying out their functions, the public sector equality duty (PSED) means schools must also have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

4.3 The Trust must ensure that these duties are complied with when deciding whether to exclude a pupil. The Trust must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion.

5 The Headteacher's power to suspend or permanently exclude

5.1 Only the Headteacher (includes an acting Headteacher) can suspend or permanently exclude a pupil on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.

5.2 A pupil's behaviour outside the academy can be considered grounds for a suspension or permanent exclusion.

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- 5.3 Any decision of a Headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e., that it is:
- lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties);
 - reasonable;
 - fair; and
 - proportionate.
- 5.4 When establishing the facts in relation to a suspension or permanent exclusion decision, the Headteacher must apply the civil standard of proof, i.e., 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.
- 5.5 The Headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.
- 5.6 Headteacher's should take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil should be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. The Headteacher will also take account of any contributing factors identified after an incident of misbehaviour has occurred.
- 5.7 Whilst an exclusion may still be an appropriate sanction, the Headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred.
- 5.8 The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion:
- 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 that has been prohibited by SW4 Student Behaviour and Discipline Policy;
 - bullying;
 - racist abuse;
 - abuse against sexual orientation or gender reassignment; and/or
 - abuse relating to disability.

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- 5.9 The above list is not exhaustive and is intended to offer examples rather than be complete or definitive.
- 5.10 An academy can record up to 3 reasons for each suspension or permanent exclusion.

6 Suspensions

- 6.1 A suspension is where a pupil is temporarily removed from the academy.
- 6.2 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.
- 6.3 A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the academy's behaviour system and show a pupil that their current behaviour is putting them at risk of permanent exclusion.
- 6.4 Where suspensions are becoming a regular occurrence for a pupil, Headteachers and relevant staff should consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.
- 6.5 During a suspension, pupils will continue to receive their education. Work should be set by the academy, and marked, for pupils during the first 5 days of a suspension. The academy's legal duties to pupils with disabilities or special educational needs will remain in force during a suspension. In the case of a looked-after child or child with a social worker, the academy may choose to work with the LA to arrange alternative provision from the first day.
- 6.6 A suspension can be for parts of the academy day. For example, a pupil can be suspended from the academy site for the duration of the lunchtime period. (Lunchtime suspensions are counted as half a school day for the purposes of exclusions).
- 6.7 The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of a suspension.

7 Permanent exclusion

- 7.1 A permanent exclusion is when a pupil is no longer allowed to attend an academy (unless the pupil is reinstated).

7.2 The decision to permanently exclude a child should only be taken:

- in response to a serious breach or persistent breaches of the Trust's behaviour policy and the academy's behaviour system; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the academy.

7.3 Headteachers should take reasonable steps to ensure that work is set and marked for the first 5 school days where the pupil will not be attending alternative provision. In the case of a looked-after child or child with a social worker, the academy may choose to work with the LA to arrange alternative provision from the first day.

7.4 Any appropriate referrals to support services, or notifying key workers, should also be considered.

8 Cancelling exclusions

8.1 The Headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the Local Governing Body (LGB) has not yet met to consider whether the pupil should be reinstated.

8.2 Where an exclusion is cancelled, then:

- parents, the LGB, and the Local Authority (LA) should be notified without delay and, if relevant, the social worker and the Virtual School Headteacher (VSH). The notification must also provide the reason for the cancellation;
- parents should be offered the opportunity to meet with the Headteacher to discuss the circumstances that led to the exclusion being cancelled;
- the LGB's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement;
- academies should report to the LGB, and the Trustees, once per term the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation, enabling the LGB and Trustees to have appropriate oversight;
- the pupil should be allowed back into school without delay; and
- any days spent out of school as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

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

9 Safeguarding

- 9.1 In the event of a safeguarding investigation that may result in the permanent exclusion of a pupil, or if a pupil has been reinstated following a governing board review, the academy staff responsible for behaviour and safeguarding will work alongside the Trust's Director of Safeguarding and the Trust's Director of Welfare to ensure that all pupils involved are appropriately safeguarded and supported.
- 9.2 At all times, the Trust will ensure that it adheres to the guidance set out in the DfE's *Keeping children safe in education*. Please see SW5 Safeguarding and Child Protection Policy for further information.
- 9.3 Where incidents involve reports of sexual harassment and/or sexual violence, the Trust will ensure that Part 5 of *Keeping children safe in education* is adhered to.

Separation of pupils for safeguarding purposes

- 9.4 In certain circumstances, an academy can temporarily forbid a pupil from attending its premises, for example, due to an allegation of harm by one pupil against another which might require physically separating a pupil from one or other pupils. This is not an exclusion on disciplinary grounds.
- 9.5 Where this decision is made, it should be made in conjunction with the involvement of the Academy DSL and the Trust DSL.
- 9.6 The academy should inform parents of the reason why the pupil has been temporarily forbidden from attending its premises. The LGB should also be notified without delay and ensure this is used for rare circumstances and only when separating pupils is essential and cannot practicably be done in a way that lets one or more pupils remain on school premises.
- 9.7 It is important to note that in physically separating a pupil from one or more other pupils schools must specifically consider their duties under the *Human Rights Act 1998* and the *Equality Act 2010* and *Keeping children safe in education*. The public law principles of acting reasonably, rationally and in a procedurally fair manner must also be followed.
- 9.8 Ultimately, any decisions, including to temporarily forbid a pupil from attending its premises for safeguarding reasons, are for the academy to make on a case-by-case basis, with the Academy DSL and Trust DSL taking a lead role and using their professional judgement, supported by other agencies, such as children's social care and the Police, as required.

10 CCTV, witness evidence and pupil views

- 10.1 The Trust uses Closed Circuit Television (CCTV) within its premises. This is to provide a safe and secure environment for pupils, staff and visitors. If incidents are recorded on CCTV, the footage may be viewed as part of the investigation and the content considered before imposing a sanction. If CCTV is relied upon for a decision on a suspension or permanent exclusion, providing it is possible to do so in line with the Data Protection Act 2018, it will be shown in some format at any governor review meeting. Please see ICT1 CCTV Policy for further information.
- 10.2 Where witness evidence is relied upon, whether that be from a pupil and/or a staff member, the account(s) will be provided at any governor review meeting. All accounts will be signed (the individual whose account it is will write their name on the account) and dated. However, if the Headteacher has good reason to protect the anonymity of the relevant witness, for example, there is a threat of reprisal, then the accounts will be anonymised. This may involve the accounts being typed-up, to prevent the handwriting from disclosing the identity of the witness.

11 Factors to consider before making a decision to exclude

- 11.1 All settings within the Trust adhere to the Maximising Values Framework, which sets out a tiered approach to supporting pupils, including with behaviour. As such, academies will only use suspension and permanent exclusion where it is accepted that not all pupil behaviour can be amended or remedied by pastoral processes, or consequences within the academy. Please see SW4 Student Behaviour & Discipline Policy for further information.
- 11.2 Included within the support strategies set out in the Maximising Values Framework, are the following preventative measures to exclusion:
- an off-site direction (temporary measure); and
 - a managed move (permanent measure).
- 11.3 **Off-site direction** – is when a pupil is required to attend another education setting to improve their behaviour. Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction should be used to arrange time-limited placements at an Alternative Provision (AP) or another mainstream school.
- Depending upon the individual needs and circumstances, off-site direction can be full-time or a combination of part-time support in AP and continued mainstream education.

Settings should be aware that they are not permitted to reduce a child's timetable to less than 25 x hours in order to manage their behaviour.

- A proposed maximum period of time should be discussed and agreed upon as part of the planning phase for an off-site direction.
- As part of planning, alternative options should be considered once the time limit has been reached, including a managed move on a permanent basis (if a pupil is in a mainstream school) upon review of the time-limited placement.
- The academy will notify parents (or the pupil if 18 or older) in writing and provide them with information about the placement as soon as practicable after the direction has been made and no later than 2 school days before the relevant day. If the pupil has an Education, Health and Care Plan (EHCP), then the LA must also be notified.
- Parents (or pupils aged 18 or over) and, where the child has an EHCP, the LA, can request, in writing, that the LGB hold a review meeting. When this happens, the LGB must comply with the request as soon as reasonably practicable, unless there has already been a review meeting in the previous 10 weeks.
- The length of time a pupil spends in another mainstream school or AP must be kept under review. No later than 6 days before the date of any review meeting, a written invitation will be sent to parents (or the pupil if 18 or over), and the LA if the child has an EHCP, to attend the review. If they are unable to attend, then they can submit, in writing, their views as to whether off-site direction should continue to have effect.
- At each review, consideration must be given as to whether the off-site direction continues to be suitable to meet the needs of the child, and if so, for what period of time. These reviews should be recorded in writing and be frequent enough to provide assurance that the off-site direction is achieving its objectives via monitoring points.
- Written notification of the decision to continue the placement or not must be given to parents no later than 6 days after the date of the review meeting. If the placement is to continue, the written notification should also state for what period of time.
- The focus of intervention whilst off-site should remain on ensuring that a pupil continues to receive a broad and balanced curriculum whilst any inappropriate behaviours which require intervention are being addressed.

11.4 **Managed moves** – are used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. If a temporary move needs to occur to improve a pupil's behaviour, then off-site direction should be used. Managed moves should only occur when it is in the pupil's best interests.

- Where a pupil has an EHCP, the relevant statutory duties on the new school and the LA will apply. The academy will contact the LA prior to any managed move taking place. If the LA, both schools and parents are in agreement that there should be a managed move, the LA will need to follow the statutory procedures for amending a plan.
 - Managed moves should be offered as part of a planned intervention. The academy should be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support, or any statutory assessments have been done.
 - The academy will ensure that appropriate data and information is shared with the new school, including prior and current attainment data, a risk assessment (if relevant), safeguarding information and effective risk management strategies.
- 11.5 Once a pupil undergoes a managed move, the pupil moves permanently from the original academy to the new school, and the pupil's name will be deleted from the original academy's admission register and added to the admission register of the new school.
- 11.6 Where an in-year application is made, including where it is part of a managed move the admission authority must allocate a place in accordance with it oversubscription criteria. This means a pupil undergoing a managed move must not be admitted ahead of pupils on a waiting list, where the school is operating one, unless the child meets the school's published oversubscription criteria more closely than those already on the list.
- 11.7 Managed moves are considered separately from the Fair Access Protocol (FAP) process.

12 Reintegration after a suspension or off-site direction

- 12.1 Following a suspension, off-site direction, cancelled exclusion or separation for safeguarding purposes, a reintegration meeting will take place with the child and their parents. The purpose of the meeting is to design a reintegration strategy that:
- offers the pupil a fresh start;
 - helps the pupil to understand the impact of their behaviour on themselves and others;
 - teaches the pupil how to meet the high expectations of behaviour in line with the academy culture;
 - fosters a renewed sense of belonging within the school community; and
 - builds engagement with learning.

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- 12.2 Where possible, the reintegration meeting should involve the child's parents. However, a pupil should not be prevented from returning to the academy (and the classroom) if parents are unable or unwilling to attend a reintegration meeting.
- 12.3 Where necessary, academies should work with relevant staff and multi-agency organisations to identify if the pupil has any SEND and/or health needs.
- 12.4 The reintegration strategy should be reviewed regularly and adapted where necessary. Staff will work with the pupil to understand what led to the behaviour and to establish if any changes can be made or further support implemented that might reduce the chance of repeat behaviours. The academy should work with relevant staff and multi-agency organisations to best support the pupil.

13 Pupils with disabilities and Special Educational Needs (SEN)

- 13.1 Each academy must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN.
- 13.2 Where an academy has a concern about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHCP it will, in partnership with others, consider what additional support or alternative placement may be needed.
- 13.3 Where a pupil has an EHCP, the academy will discuss concerns with the LA at an early stage, and may consider requesting an early annual review prior to making the decision to suspend or permanently exclude.
- 13.4 Where an academy is contemplating a managed move for a pupil with an EHCP, prior to any such move the academy should contact the LA. If the LA, both educational settings and the parents agree that there should be a managed move, the LA will need to follow the statutory procedures for amending the EHCP.

14 Pupils who have a social worker, including looked-after children, and previously looked-after children

- 14.1 Where a pupil has a social worker, and they are at risk of suspension or permanent exclusion, the Headteacher and Designated Safeguarding Lead (DSL) will involve parents and the social worker as early as possible in any relevant conversations.

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- 14.2 Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the relevant Local Authority's Virtual School Headteacher (VSH) as soon as possible. The VSH, working with the DT and others (e.g., social worker/carers), should consider what additional assessment and support need to be put into place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion.
- 14.3 Any concerns about a looked-after child's behaviour should be documented in their Personal Education Plan (PEP), including how the child is being supported.
- 14.4 Where a previously looked-after child is at risk of suspension or permanent exclusion, the DT should engage with the child's parents/carers and may, if necessary, seek the advice of the VSH on strategies to support the pupil.
- 14.5 Where a pupil has a social worker, including if they have a Child in Need Plan or a Child Protection Plan, if the academy is contemplating a managed move, then the social worker should be notified as well as the Academy DSL and (unless this would lead to safeguarding risks) the pupil's parents. For looked-after children, the relevant authority's VSH should also be notified of the proposed managed move.
- 14.6 If agreed by all relevant parties that a managed move is in the best interests of the pupil, then the original academy and the new school should ensure any PEP is appropriately reviewed and amended to take account of the managed move and the relevant statutory duties on the new school and the local authority will apply.

15 The Headteacher's duty to inform parents about an exclusion

- 15.1 The Headteacher must, without delay, notify parents of their decision to suspend or permanently exclude their child. This should, where possible, be in person or by telephone to allow parents to ask any initial questions or raise concerns directly.
- 15.2 The Headteacher must also, without delay, after their decision, provide parents with the following information in writing:
- the reason(s) for the suspension or permanent exclusion;
 - the period of a suspension or, for a permanent exclusion, the fact that it is permanent;
 - parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this;
 - how any representations should be made; and

- where there is a legal requirement for the governing body to consider the suspension or permanent exclusion, that parents or a pupil if they are 18 years old have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

This information will also be provided, in writing and without delay, to the LA.

- 15.3 Written notification may be handed directly to parents, hand-delivered to the usual or last known home address, or posted to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way, which the Trust collects through the Pupil Admission Form.
- 15.4 Where a suspended or permanently excluded pupil is of compulsory school age, the Headteacher must also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during academy hours. These days are the first 5 school days of a suspension or permanent exclusion (or until the start date of any full-time AP, or the end of the suspension where this is earlier). Parents must be notified of this without delay, and at the latest, by the end of the afternoon session on the first day of the suspension or permanent exclusion.
- 15.5 When notifying parents about a suspension or permanent exclusion, the Headteacher should set out what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to school, in line with legal requirements.
- 15.6 If Alternative Provision is being arranged, the following information must be included within this notice:
- the start date for any provision of full-time education;
 - the start and finish time of any such provision (including the times for morning and afternoon sessions);
 - the address at which the provision will take place; and
 - any information required by the pupil to identify the person they should report to on the first day.

Where this information is not reasonably ascertainable by the end of the afternoon session on the first day of the suspension or permanent exclusion, it may be provided in a subsequent notice, but it must be provided without delay and no later than 48 hours before the provision is due to start.

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

15.7 If a child is suspended again following their original suspension, or is subsequently permanently excluded, the Headteacher will issue a new exclusion notice to parents (and relevant professionals if required).

15.8 Information about the LGB's duty to consider parents' representations about a suspension or permanent exclusion is set out in Section 20.

16 Informing social workers and Virtual School Headteachers about an exclusion

16.1 In the event that a Headteacher suspends or permanently excludes a pupil they must, without delay, notify the social worker if the pupil has one, and the VSH, if the pupil is a LAC. They must include the period of the suspension or permanent exclusion and the reason(s) for it.

16.2 Both the social worker and/or VSH must be informed when the LGB meeting is taking place, in order to share information.

17 Informing the Local Governing Body about an exclusion

17.1 The Headteacher must, without delay, notify the LGB of:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
- any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or 10 lunchtimes) in a term; and
- any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.

17.2 The LGBs and Trustees will be kept informed of any suspensions, permanent exclusions and cancelled exclusions throughout the academic year via a report presented to them throughout the year.

18 Informing the Local Authority about an exclusion

18.1 Each academy will inform the LA, without delay, of all exclusions regardless of the length of the exclusion.

18.2 In the event of a permanent exclusion where the pupil lives outside the LA area in which the academy is located, the Headteacher will also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay.

19 The education of pupils from the sixth day of an exclusion

- 19.1 For a suspension of more than five school days, the academy must arrange suitable full-time education for any pupil of compulsory school age. This provision is commonly called alternative provision and must begin no later than the sixth school day of the suspension. Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is because of one decision to suspend the pupil for the full period or multiple decisions to suspend the pupil for several periods in a row. The academy should also collaborate with the LA when the suspended pupil might be eligible for free home to school travel, arranged by the LA, to the place where they will be receiving education.
- 19.2 For permanent exclusions, the LA must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place. This will be the pupil's 'home authority' in cases where the school is in a different LA area.
- 19.3 In addition, where a pupil has an EHCP, the LA may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement.
- 19.4 Provision does not have to be arranged by either the academy or the LA for a pupil in the final year of compulsory education who does not have any further public examinations to sit.

20 The Local Governing Body's duty to consider an exclusion

- 20.1 The LGB must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notification of a suspension or permanent exclusion from the Headteacher if:
- it is a permanent exclusion;
 - it is a suspension or permanent exclusion which would bring the pupil's total number of school days out of school to more than 15 in a term; or
 - it would result in the pupil missing a public examination or national curriculum test.
- 20.2 Where a pupil would be suspended for more than 5 but not more than 15 school days in a term, if the parents make representations, the LGB must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations

from the parents, the LGB is not required to meet and cannot direct the reinstatement of the pupil.

- 20.3 Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for the LGB. It must, so far as is reasonably practicable, consider and decide on the suspension or permanent exclusion before the date of the examination or test. If it is not practical for sufficient governors to consider the reinstatement before the examination or test, the Chair of Governors may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the pupil.

There is no automatic right for a suspended or permanently excluded pupil to take a public examination or national curriculum test on the school's premises. The LGB should consider whether it would be appropriate to exercise its discretion to allow a suspended or permanently excluded pupil onto the premises for the sole purpose of taking the examination or test, or whether this could be facilitated in another way.

- 20.4 The following parties must be invited to a meeting of the LGB and allowed to make representations or share information:

- parents (and, where requested, a representative or friend);
- the pupil if they are 18 years or over (a child under the age of 18 can make a representation on their own behalf if they wish);
- the Headteacher;
- a representative of the LA;
- the child's social worker if they have one; and
- the VSH if the child is a LAC.

- 20.5 The LGB must make endeavours to arrange the meeting within the statutory time limits set out. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

- 20.6 In the case of a suspension which does not bring the pupil's total number of days of suspension or permanent exclusion to more than 5 in a term, the LGB must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

21 Meetings held via remote access

- 21.1 Parents (if the pupil is under 18) or excluded pupils (if they are aged 18 years or older) can request the review meeting with the LGB to be held via the use of remote access, but this should not be a default option. Holding meetings via remote access must only be done if the LGB are satisfied that the meeting is

capable of being held fairly and transparently. The Headteacher's letter to parents will set out how this request can be made.

- 21.2 If there are technological or internet network issues during a meeting held via the use of remote access which compromises the ability for participants to be seen or heard or prevents the meeting from being held fairly or transparently and it is not reasonably practicable to resolve, a face-to-face meeting must be arranged by the LGB, despite the parent's request. This should be done without delay.
- 21.3 Social workers and VSHs must be allowed to join a meeting via the use of remote access, regardless of the format chosen, as long as the LGB are satisfied that they will be able to participate effectively, they can hear and be heard (and see and be seen if participating by video) throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent.
- 21.4 The LGB and panel members must:
- comply with relevant equalities legislation; and
 - enable access to support which the parent is entitled to, including the presence of a friend.
- 21.5 The LGB should ensure the following conditions are met for a meeting via remote access:
- confirm with all participants that they have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, such as a live video link;
 - ensure all participants will be able to put across their point of view or fulfil their function; and
 - ensure the remote meeting can be held fairly and transparently.
- 21.6 If the LGB is not satisfied that a meeting can be held fairly and transparently via remote access, they should consult with the parent to discuss how a face-to-face meeting can be arranged that will be convenient for them.
- 21.7 If there is a reason related to extraordinary events or unforeseen circumstances, such as an outbreak of infectious illness/disease, which means that it is not reasonably practicable for the LGB meeting to be held in person, then this meeting may be held using remote access even if the parent has not asked for the meeting to be remote. However, the LGB must be satisfied that all participants will be able to fully make representations and carry out their functions and the meeting is capable of being held fairly and transparently.

22 Preparing for the consideration of a suspension or permanent exclusion

22.1 Where the LGB is legally required to consider the reinstatement of a suspended or permanently excluded pupil they should:

- not discuss the suspension or permanent exclusion with any party outside the meeting;
- ask for any written evidence in advance of the meeting, including witness accounts and other relevant information held by the academy such as those relating to a pupil's SEN and the pupil's school record;
- where possible, circulate any written evidence and information, including a list of those who will be present at the meeting, to all parties at least 5 academy days in advance of the meeting;
- allow parents and the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the LGB should first seek parental consent);
- invite the pupil's social worker, if they have one, and if the pupil is LAC, the VSH to attend;
- comply with their duty to make reasonable adjustments for people who use the academy and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting; and
- identify the steps they will take to enable and encourage the suspended or permanently excluded pupil to attend the meeting and speak on their behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding; or how the suspended or permanently excluded pupil may feed in their views by other means if attending the meeting is not possible.

23 Considering the reinstatement of a suspended or permanently excluded pupil

23.1 Where the LGB is legally required to consider reinstating a suspended or permanently excluded pupil, they must consider both the interests and circumstances of the suspended or permanently excluded pupil, and that of other pupils, staff and the academy community.

23.2 The LGB must also consider representations made by or on behalf of:

- parents or the pupil if they are over 18 years old;
- the Headteacher;
- the child's social worker if they have one; and
- the VSH if the child is LAC.

23.3 When establishing the facts in relation to a suspension or permanent exclusion, the LGB must apply the civil standard of proof, i.e., 'on the balance of

probabilities' (it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

23.4 In reaching a decision on whether a pupil should be reinstated, the LGB should consider whether the decision to suspend or permanently exclude the pupil was lawful, reasonable, and procedurally fair. This should consider the welfare and safeguarding of the pupil and their peers, the Headteacher's legal duties, and any evidence that was presented to the LGB in relation to the decision to exclude.

23.5 In light of its consideration, the LGB can either:

- decline to reinstate the pupil; or
- direct reinstatement of the pupil immediately or on a particular date.

23.6 If a reinstatement meeting would make no practical difference because, for example, the pupil has already returned to the academy following the expiry of a suspension or the parents make clear they do not want their child reinstated, the LGB must still meet to consider whether the pupil should or would have been officially allowed back into the academy. Ideally, a reinstatement meeting should happen as soon as possible, and should ideally be held before the pupil is back in the academy.

23.7 If the LGB decides against the reinstatement of a pupil who has been permanently excluded, the parents can request an independent review.

22.8 The LGB must ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the LGB. These minutes should be made available to all parties on request and the record of discussion should state clearly how the decisions have been reached.

23.9 The outcome of the meeting will be noted on the pupil's educational record, and copies of relevant papers should be kept with the educational record.

24 The Local Governing Body's duty to notify people after its consideration of reinstatement

24.1 Where legally required to consider reinstating a suspended or permanently excluded pupil, the LGB must notify parents or the pupil if they are over 18, the Headteacher, and where relevant, the child's social worker and/or the VSH of their decision, and the reasons for it, in writing and without delay. Where the pupil resides in a different local authority area from the one in which the school is located, the LGB must also inform the pupil's 'home authority'.

24.2 In the case of a permanent exclusion where the LGB decides not to reinstate the pupil, the LGB's notification must state that the exclusion is permanent and provide notice of parents' right to ask for the decision to be reviewed by an Independent Review Panel (IRP), and the following information:

- the date by which an application for a review must be made (15 school days from the date on which notice in writing of the LGB's decision is given to parents;
- where and to whom an application for a review (and any written evidence) should be submitted;
- that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's SEN are considered to be relevant to the permanent exclusion;
- that, regardless of whether the permanently excluded pupil has recognised SEN, parents have a right to require the Trust to appoint an SEN expert to advise the review panel;
- details of the role of the SEN expert; and
- that parents may, at their own expense, appoint someone to make written and/or oral representations to the panel.

24.3 The LGB can deliver this notice directly to parents in person or to their last known address, or they can post it first class mail to that address. Notice is deemed to have been given on the same day if it is delivered or on the second working day after posting if it is sent by first class mail.

24.4 In addition to the right to apply for an IRP, if parents believe that there has been unlawful discrimination in relation to the permanent exclusion then they may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. A claim of discrimination under the Equality Act 2010 should be lodged within six months of the date on which the discrimination is alleged to have taken place (the day on which the pupil was permanently excluded).

25 Removing an excluded pupil's name from the school register

25.1 The LGB must ensure that a pupil's name is removed from the admission register if:

- 15 school days have passed since the parents were notified of the LGB's decision to not reinstate the pupil and no application has been made for an IRP; or
- the parents have stated in writing that they will not be applying for an IRP.

25.2 Where an application for an IRP has been made within 15 school days, the academy must wait until the review has been determined, or abandoned, and until the LGB has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register.

25.3 Where a pupil's name is to be deleted from the school admissions register because of a permanent exclusion, the academy must make a return to the LA.

26 The Trust's duty to arrange an independent review panel

26.1 If applied for by parents within the legal time frame, the Trust must, at their own expense, arrange for an IRP hearing to review the decision of an LGB not to reinstate a permanently excluded pupil.

26.2 The legal time frame for an application is:

- within 15 school days' notice being given to the parents by the LGB of its decision not to reinstate a permanently excluded pupil; or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the permanent exclusion.

26.3 Any application made outside of the legal time frame will be rejected by the Trust.

26.4 The IRP must begin within 15 school days of the day on which the parents' application for a review was made (panels have the power to adjourn a hearing if required).

26.5 Where the issues raised by two or more applications for review are the same, or connected, the panel may combine the review if, after consultation with all parties, there are no objections. If, however, the panel does not combine the reviews, the Trust should take reasonable steps to ensure fairness and consistency. Where possible, the same panel members should hear all related reviews.

26.6 The Trust must ensure that all panel members and clerks have received appropriate training (in line with DfE guidance) within the two years before the date of the review.

26.7 Following its review, the panel can decide to:

- uphold the LGB's decision not to reinstate;
- recommend that the LGB reconsiders reinstatement; or

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- quash the LGB's decision and direct that the LGB reconsiders reinstatement.
- 26.8 The IRP's decision is binding on the: pupil, parents; LGB; Headteacher; and LA.
- 26.9 Following the review, the panel must issue written notification to all parties without delay. This must include:
- the panel's decision and the reasons for it;
 - where relevant, details of any financial readjustment/payment to be made if the LGB does not subsequently decide to offer to reinstate a pupil within 10 academy days; and
 - any information that the panel has directed the LGB to place on the pupil's educational record.
- 26.10 The clerk to a review panel should ensure that minutes of the proceedings are taken, including details of the attendance, the voting and the decision. The minutes are not public documents, but will be retained by the Trust for at least 5 years.
- 27 The LGB's duty to reconsider reinstatement following a review**
- 27.1 Where the panel directs or recommends that the LGB reconsider whether a pupil should be reinstated, the LGB must reconvene to do so within 10 school days of being given notice of the panel's decision. Notice is deemed to have been given on the day of delivery if it is delivered directly or on the second working day after posting if it is sent by first class mail.
- 27.2 The LGB should conscientiously reconsider whether the pupil should be reinstated, whether the panel has directed or merely recommended it to do so.
- 27.3 The LGB should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the LGB. These minutes should be made available to all parties on request.
- 27.4 In the case of either a recommended or directed reconsideration, the LGB must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:
- the parents;
 - the Headteacher;
 - the LA; and, where relevant, the 'home authority'.

27.5 The LGB should note the outcome of its consideration on the pupil's educational record, and copies of relevant papers should be kept with the educational record.

27.6 Any decision of an LGB to offer reinstatement which is subsequently turned down by the parents should be recorded on the pupil's educational record.

28 Police involvement and parallel criminal proceedings

28.1 The Headteacher need not postpone taking a decision on a suspension or permanent exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the Headteacher will need to take a decision on the evidence available to them at the time.

28.2 Where the LGB is required to consider a reinstatement in these circumstances, it cannot postpone its meeting and must decide whether or not to reinstate the pupil on the evidence available.

28.3 The fact that parallel criminal proceedings are in progress should also not directly determine whether an IRP should be adjourned. Relevant factors for the panel to consider will include:

- whether any charge has been brought against the pupil and, if so, what the charge is;
- whether relevant witnesses and documents are available;
- the likely length of delay if the hearing were adjourned and the effect it may have on the suspended or permanently excluded pupil, the parents, any victim, or the school; and
- whether an adjournment or declining to adjourn might result in injustice.

28.3 In the event that an IRP is adjourned as a result of parallel criminal proceedings, the clerk should monitor the progress of any police investigation and/or criminal proceedings and reconvene the panel at the earliest opportunity. If necessary, the panel may adjourn more than once.

29 Policy Change

29.1 This policy may only be amended or withdrawn by the Priory Federation of Academies Trust.