

East Midlands Academy Trust

Pupil Suspension & Exclusion Policy

'Every child deserves to be the best they can be'

Scope: East Midlands Academy Trust & Academies within the Trust	
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Policy type:	
Statutory	Replaces Academy's current policy

Revision History

Revision Date	Revisor	Description of Revision
October 2024 v6	A Rigler	Updated aims of policy Added reference to off-rolling, relevant legislation and helpful definitions. Strengthened the obligation to consider the views of the student. Reference to sixth form settings. Reformatted to better reflect the flow of the process to support the end user.
Oct 2023 v5	Z McIntyre	Reviewed in line with updated DfE statutory guidance. To ensure consistency of terminology. To acknowledge that panel members can be sourced externally when necessary.
Sept 2022- V4	M Juan	New EMAT policy issued following changes in the DfE statutory guidance including the following updates: <ul style="list-style-type: none"> • Headteachers may cancel an exclusion that has not been reviewed by the governing board. • When headteachers suspend or permanently exclude a pupil they must, without delay, notify parents and/or social worker • When headteachers suspend or permanently exclude a pupil, they must also notify the local authority, without delay regardless of the length of a suspension. • Guidance on the role of a social worker and VSH, during governing board meetings and IRP meetings. • Guidance on managed moves, what they are and how they should be used. • Clarified guidance on the use of off-site direction as a short-term measure that can be used as part of a school's behaviour management strategy. • Further guidance on the practice of involving pupils in all stages of the suspension or permanent exclusion process. • Guidance for governing boards to ensure that they review data appropriately.
June 2022 – V3	M Juan	Policy review – COVID19 mentions in policy introduction have been removed
July 2021 – V2	M Juan	Policy review – No Changes
July 2020 – v1	M Juan	New EMAT Pupil Exclusion Policy issued to all schools

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EMAT Pupil Suspension and Permanent Exclusion Policy

1. Introduction

At East Midlands Academy Trust we expect excellent standards of behaviour and relationships to ensure an effective learning environment. The highest regard is given to the quality of relationships between all members of our school community so that everyone feels valued and respected. We encourage a calm, respectful and purposeful atmosphere where students can enjoy their learning and achieve their full potential to be the best that they can be.

Our priority is to maintain a safe and orderly school environment to promote learning and support the development and good mental health of all in our school community. We actively teach good behaviours implementing our behaviour curriculums and promote and teach the positive impacts of good behaviour for everyone's wellbeing and enjoyment of school. Our Behaviour Policy aims to minimise the need for suspensions and exclusions.

Our Behaviour Policy sets out the ways in which we achieve this including the use of both rewards and sanctions. Along with other sanctions, all school are empowered to impose suspensions (previously known as fixed-term exclusions) and permanent exclusions in certain circumstances. This Suspension and Exclusion Policy sets out the circumstances in which these sanctions may be used and the procedures which will be followed.

The EMAT Behaviour Policy can be found on our website.

2. Aims

All parties involved in suspensions and exclusions, including Headteachers, Heads of Schools and Executive Headteacher parents, local advisory boards, and Independent Review Panels, must have regard to the statutory guidance [Suspension and permanent exclusion guidance August 2024 \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/121212/suspension_and_permanent_exclusion_guidance_august_2024.pdf) This policy aims to set forth rights and responsibilities around exclusion with clarity and brevity to ensure that all exclusion proceedings at EMAT Schools are conducted in a fair and just manner, with appropriate notice to all, full participation of relevant parties, and within the statutorily designated timelines.

The aims of our suspension and exclusion policy are to:

- Ensure the exclusions process is applied fairly and consistently
- Help governors, staff, parents/carers and students understand the exclusions process
- Ensure that students in school are safe and happy.
- Prevent students from becoming NEET (not in education, employment or training)
- Ensure all suspension and permanent exclusions are carried out lawfully.
- Set out the circumstances in which suspension or exclusion may be used.

3. Off-rolling

'Off-rolling' is a form of gaming and occurs where a school makes the decision, in the interests of the school and not the pupil, to:

- Remove a pupil from the school roll without a formal, permanent exclusion, or
- Encourage a parent/carer to remove their child from the school roll, or
- Encourage a sixth-form student not to continue with their course of study, or
- Retain a pupil on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension

Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a pupil's poor academic performance, or
- Because the pupil hasn't met a specific condition, such as attending a reintegration meeting

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.

4. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education (DfE): [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2024](#).

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

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

- [Children and Families Act 2014](#)
- The [School Inspection Handbook](#), which defines ‘off-rolling’

This policy complies with our funding agreement and articles of association.

5. Definitions

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

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

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

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

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

6. The Role of the Executive Head Teacher / Head Teacher / Head of School

6.1 The decision to suspend or exclude

Only the Headteacher, Acting Headteacher, Head of School or Executive Headteacher has the authority to suspend or exclude a student from school and this will only ever be on disciplinary grounds.

A pupil’s behaviour outside the school can be considered grounds for a suspension or permanent exclusion.

In line with the principles of administrative law, any decision the headteacher makes to exclude a student must be: **Lawful, Rational, Reasonable, Fair and Proportionate**.

Suspension: The decision to suspend a student may be issued only:

- In accordance with the school’s behaviour policy
- to provide a clear signal of what is unacceptable behaviour
- to show a student that their current behaviour is putting them at risk of permanent exclusion.

We are mindful that the government does not regard suspension or exclusion to be justified for:

- A breach of uniform or appearance, except for persistent defiance of the school’s uniform expectations
- Minor incidents, such as failure to complete home learning
- Poor academic work
- Lateness or truancy
- Pregnancy

- Misdeeds by a child who has special educational needs where that need is the reason for the behaviour, except for very serious offences.

Care must be taken to avoid 'informal' or 'unofficial' exclusions (e.g. sending a child off-site for a 'cooling down' period). However, a pupil whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. This must be recorded as a half-day suspension. Academies may also arrange for 'lunchtime respite' as part of a behavioural support plan, but this must be agreed by parents/carers, must be short-term in duration and closely monitored for effectiveness.

Where suspensions have become a regular occurrence, the headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

There is a limit of 45 school days in an academic year for suspensions. The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In cases involving serious breaches of the behaviour policy where additional evidence (including mitigating evidence) is required before making a decision whether to exclude, the school may issue a suspension pending investigation. Following investigation, the school may issue a further separate suspension to begin immediately after the first period ends or a separate permanent exclusion to begin immediately after the end of the suspension. In certain instances, the school will assess the information available and may decide to implement a permanent exclusion during the investigation, withdrawing this if the evidence does not support the decision after further investigation.

Permanent Exclusion: The decision to permanently exclude a student will be taken only:

- In response to a serious breach or persistent breaches of the school's behaviour policy, and
- If allowing the student to remain in school would seriously harm the education or welfare of others.

A serious breach of the school's behaviour policy may include:

- Serious actual or threatened violence (physical and/or verbal) against another student or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Damage to school property including the building
- Substance abuse
- Racially motivated incidents
- Other behaviour which is against the criminal law

Before deciding whether to suspend or exclude a pupil, the headteacher will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEN)

- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as:
 - For suspensions, detentions or other sanctions provided for in the behaviour policy
 - For exclusions, off-site direction or managed moves

Where an excluded pupil has Special Educational Needs and Disability (SEND) or is on the SEND register, it must be demonstrated that the school has regard for the SEND Code of Practice and has provided extensive means of support to help meet the pupil's needs. Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEND that a pupil may have. Any intervention strategies should be discussed with and involve the pupil's parents.

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

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

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

When a Head Teacher suspends or permanently excludes a pupil they will, without delay, notify:

- parents,
- the local authority
- The pupils Social Worker if they have one
- The pupils Social Worker or VSH (as appropriate) if the pupil is looked-after
- The EMAT Governance team

The school may also consider it necessary to inform the police where a criminal offence has taken place and / or whether to inform other professionals such as Children's Social Care, as these agencies may be able to provide external support.

6.2 Informing Parents / Carers (or the student where they are 18 or older)

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

If the headteacher decides to suspend or exclude a pupil, the parents/carers/pupil will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay. It can be helpful to then send an email clarifying this conversation to the parties concerned.

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

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

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

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this
- If alternative provision is being arranged, the following information will be included, if possible:
 - The start date for any provision of full-time education that has been arranged
 - The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
 - The address at which the provision will take place
 - Any information the pupil needs in order to identify the person they should report to on the first day

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

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

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

To ensure compliance with the most up-to-date government guidance, EMAT maintains standard letters for notifying parents of any type of exclusions and an explanatory note to accompany each letter setting forth their rights of representation.

6.3 Informing the local authority (LA)

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

The notification will include:

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

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

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

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

If a:

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

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

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

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

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

6.5 Cancelling suspensions and permanent exclusions

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

- The parents/carers (or the pupil if they are 18 or older), governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- The notification must provide the reason for the cancellation
- The governing board's duty to hold a meeting and consider reinstatement ceases
- Parents/carers (or the pupil if they are 18 or older) will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay
- The pupil will be allowed back in school without delay

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

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

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

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways may be used for this. If the pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

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

On the sixth day of a suspension, the school (or local authority, in the event of a permanent exclusion) must arrange suitable full-time education for any pupil of compulsory school age. Where a pupil receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. Academies must carefully assess the quality of the alternative educational provision and ensure appropriate safeguarding measures at these providers.

Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

6.7 Recording Suspensions and Exclusions

Schools are responsible for recording all exclusions on the school's relevant Management Information System in a timely manner and keeping careful track of suspension that total more than 15 days in a term.

All exclusions must be reported to East Midlands Academy Trust at info@emat.uk. If an exclusion requires review (i.e. suspensions totalling more than 15 days in a term *or* permanent exclusions), schools should also notify the Governance Team at EMAT **as soon as the period of suspension starts**, in order to allow the timely arranging and clerking of the required review meetings. Permanent exclusions must also be reported to the local authority immediately to ensure the local authority will be able to fulfil its duty to provide alternative educational provision from the sixth day of the exclusion.

All suspension and permanent exclusions must be reported to governors in the Headteacher's/Head of School Report.

6.8 Standard of Evidence for Panel Meetings

Guidance has been issued for Headteachers and governors to clarify the legal standards for review and the high quality of documentary evidence required for panel meetings. Headteachers/ Head of School/Executive Headteacher and staff members delegated with responsibility for investigating breaches of behaviour policies should refer to this guidance. There should be no delays in gathering evidence and witness statements, both for reliability of recall and given the legal obligation to review exclusions within short statutory deadlines.

7. The role of Governance and/or Trustees -

7.1 Considering suspensions and permanent exclusions

In all cases of permanent exclusion and suspensions amounting to over 15 days in a term (cumulatively or singly), the decision of the Headteacher **must** be reviewed by a panel of governors and /or trustees. Wherever possible suitable panel members will be sourced from within the Trust. Should sufficient panel members not be available, suitably experienced individuals may be approached to support.

Face to face meetings are encouraged and considered the default option. Remote access can be requested by the parent but the panel must be satisfied that such an arrangement will allow for a fair and transparent meeting.

The panel will consider any representations made by the parent(s) / carer(s) of the student or the student if aged 18 or over. The panel has no power to increase the severity of suspensions. It can, however, uphold a suspension or permanent exclusion or direct the student's reinstatement, either immediately or by a particular date.

Except in extenuating circumstances, the panel quorum is three governors and/or Trustees, with a clerk appointed by EMAT. One Governor on the panel will be designated as the Chair of the meeting and, in the event of a request for external independent review by parents (see section below

entitled *Independent Review Panel*), will represent the panel at that independent review meeting. The Headteacher cannot be a member of the panel.

Subject to the availability of governors and trustees, review meetings should be held within a period of 15 days from the date of the exclusion. **It is important** that EMAT Governance Team is advised of the exclusion **without delay** and the Headteacher makes arrangements for paperwork to be prepared immediately.

- Suspensions totalling **five or fewer school days** (or 10 or fewer lunch-times or half days) -. Governors must consider any representations made by parents but cannot direct reinstatement and are not required to arrange a meeting with parents.
- If a suspension means that a pupil will **miss a public exam**, the panel should try to meet before the date of the exam. If this is not practicable, the Chair of Governors may use the emergency powers for Chair's action to review the suspension alone.
- For suspensions of **6 to 15 school days**, if the parents make representations, governors must consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be reinstated. In the absence of any representations from the parents, governors are not required to meet and cannot direct the reinstatement of the pupil.
- For suspensions that singly or cumulatively total **more than 15 days** in one term, and for **permanent exclusions**, the panel must hold a formal hearing within 15 school days, whether or not the parent(s) make representations.

The following parties will be invited to a meeting of the Suspension / Exclusion panel and allowed to make representations or share information:

- Parents/carers, or the pupil if they are 18 or older (and, where requested, a representative or friend)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

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

The Suspension / Exclusion panel can either:

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

- If reinstatement is not practicable – because the pupil is already back in school or because the parent does not want it – the review panel must consider the representations made by the school and parent(s) and decide whether or not the suspension was justified. The decision should then be included in the pupil's record.

In reaching a decision, Suspension / Exclusion panel will consider:

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

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

The clerk will be present when the decision is made.

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

The Suspension / Exclusion panel will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay and within 5 school days:

- The parents/carers, or the pupil if they are 18 or older
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- The local authority
- The pupil's home authority, if it differs from the school's

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

- The fact that it is a permanent exclusion
- Notice of parents/carers'/the pupil's (if they are 18 or older) right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents/carers)
- The name and address to which an application for a review and any written evidence should be submitted

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

7.2 Monitoring and analysing suspensions and exclusions data

Suspensions totalling **five or fewer school days** (or 10 or fewer lunch-times or half days) in any one term must be reported to the governors at each meeting and recorded on the relevant Management Information System.

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

The governing board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications that may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and why this is taking place

- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site

8. The role of the local authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For pupils who are looked after or have social workers, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

9. Independent Review Panel

If a permanent exclusion is upheld, parent(s) must be told of their right to seek an independent review of the decision reached by governors and the deadline for seeking such a review. They also have the right to request the attendance of a SEND expert at the Independent Review Panel meeting. Decision letters sent by EMAT to the parent(s) will include these details of the right of independent review. The parent(s) have 15 school days (from the date of receipt of the review panel's decision) to seek an independent review.

Within 15 school days of such a request, EMAT will engage the services of an external clerking agency to arrange and clerk the Independent Review Panel. The independent review is normally attended by the Headteacher, lead school staff member on the case, and Chair of the original review panel. The clerk of the original panel may attend but plays no formal part in proceedings. Where the parent(s) has legal representation or it is considered appropriate on behalf of the school, it may be agreed that the school should also have legal representation. This will be arranged by EMAT.

The Independent Review Panel cannot direct a governing body to re-instate a pupil. It may:

- a) uphold the exclusion;
- b) recommend that the original panel reconsider its decision; or
- c) quash the original panel's decision and direct the panel to reconsider its decision.

In the latter case, the Independent Review Panel will then be expected to order that the school must make a payment to the Local Authority of £4,000 if it does not offer to reinstate the pupil.

10. Parallel police proceedings

Police involvement and parallel criminal proceedings against a pupil may affect how the exclusion and its review process are conducted, although they must always remain lawful, reasonable, and procedurally fair. In such circumstances, the headteacher will need to take a decision on the evidence available to them at the time.

Governors have no power to delay a hearing beyond the statutory time limit because of police proceedings. If a permanent exclusion is upheld in these circumstances, the parent has 15 days to request independent review in the normal way.

11 School registers

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

- 15 school days have passed since the parents/carers/pupil (if they are 18 or older) were notified of the Suspension / Exclusion panel decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents/carers/pupil have stated in writing that they will not be applying for an independent review panel

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

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

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

12. Making a return to the LA

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

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

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

13. Returning from a suspension

13.1 Reintegration strategy

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

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

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

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Daily contact in school with a designated pastoral professional
- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the pupil and parents/carers to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents/carers and staff of potential external support

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

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

13.2 Reintegration meetings

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

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

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

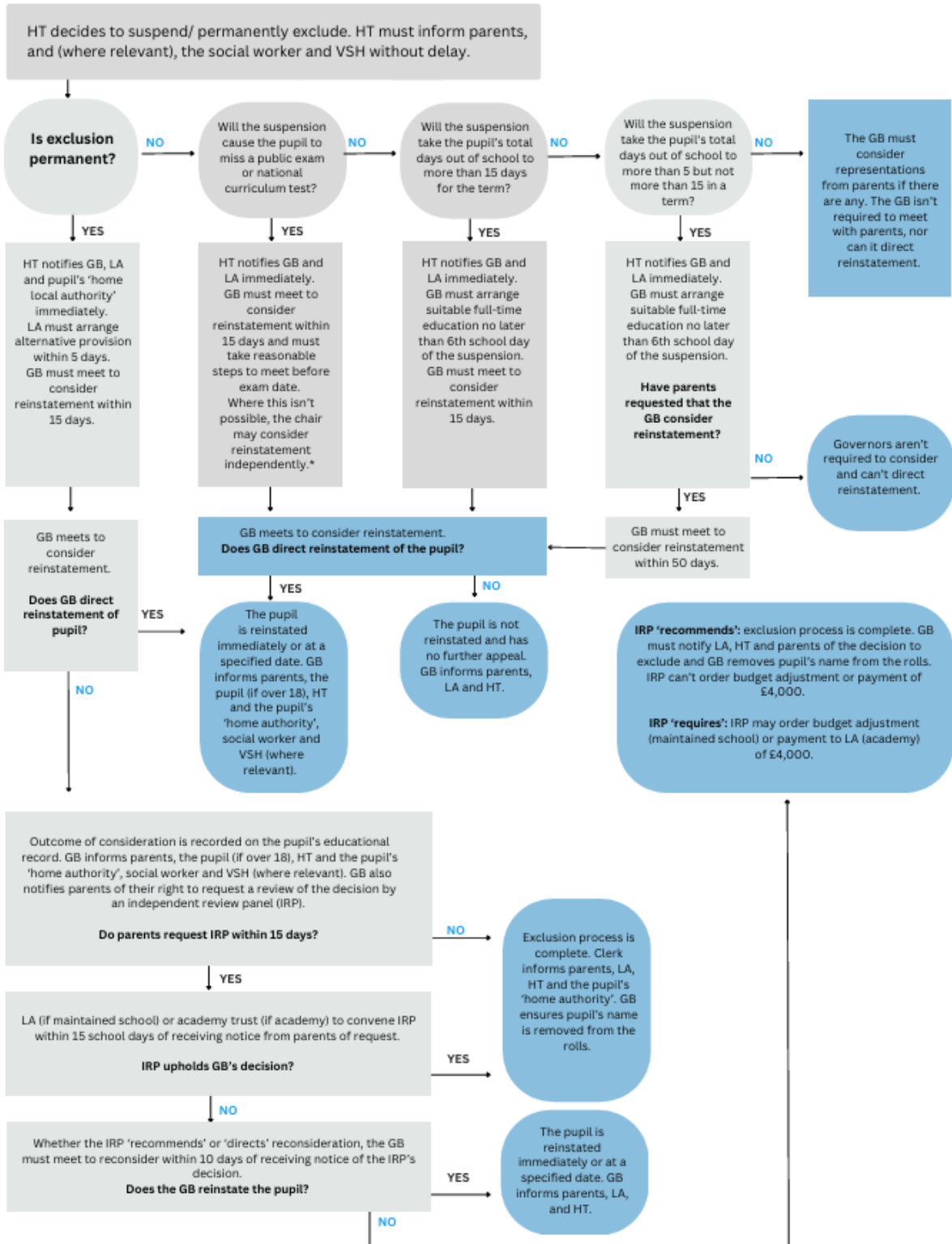
The school expects all returning pupils and their parents/carers to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom

Appendix 1. Principles of Natural Justice

- All factual determinations are based on a balance of probabilities, both by Headteachers and at any subsequent review. This means that the Headteacher, Head of School or Executive Headteacher/reviewing panel should accept that something happened if it is more likely that it happened than that it did not happen. In making their decisions to suspend or exclude, Headteachers must ensure that their decisions are fair, based on the facts of the incident and do not include any elements of discrimination.
- Members of the panel should be impartial, unprejudiced, have taken no previous part in the specific case, and have no personal or school interest in its result. Headteachers, Head of School or Executive Headteacher should not discuss individual suspensions or exclusions with members of their Local Advisory Board as cases may be referred to the governors for review.
- Parent(s) should be informed of the case put forward by the school and have an opportunity to challenge it.
- Both parties should be allowed to present their case without unreasonable interruption. Aggressive, repetitive or unnecessarily over-long presentations hinder the effectiveness of the review process and the Chair will retain discretion to curtail any such presentation.
- Parent(s) should be able to bring a companion or adviser with them. An effective meeting, however, will not be able to accommodate large groups of people and the Chair retains ultimate discretion as to the attendance of invited parties beyond a reasonable number.
- All documents to be used in evidence should be distributed to all parties at least five working days before the hearing. If new material is introduced at the hearing, all parties must have time to consider it. Should such material be voluminous, the Chair has the discretion to adjourn the meeting to allow proper review.
- No party to the hearing should be in the presence of the panel unless the other party is also present. Every party should feel that they have had a full opportunity to present their case and have it duly considered.

Appendix 2. Exclusions Process Flowchart

Exclusions process flowchart



* The chair's power applies only to maintained schools. If you're an academy, check your articles of association.

HT = headteacher LA = local authority GB = governing board VSH = virtual school head
Days = school days Within x days = of receiving notice (either of exclusion or outcome)

Appendix 3. Further Information

Guidance	Link
Behaviour in Schools	Behaviour in Schools
Academy trust Governance Guide	Academy trust governance guide - Guidance - GOV.UK (www.gov.uk)
Alternative Provision	Alternative Provision: Statutory guidance for local authorities, as well as headteachers and governing bodies of settings providing alternative provision Education for children with health needs who cannot attend school
Mental health in schools	Mental health and behaviour in schools
Children with Special Educational Needs and Disabilities	SEND code of practice: 0 to 25 years - GOV.UK (www.gov.uk) Children with special educational needs and disabilities (SEND): Overview
Departmental Advice on attendance	School attendance guidance
Departmental Advice on safeguarding and child protection	Keeping children safe in education Children Missing Education Working Together to Safeguard Children
Departmental Advice on Promoting the education of looked-after and previously looked-after children	Promoting the welfare of looked-after and previously looked-after children The designated teacher for looked-after and previously looked after children
Sharing and publishing information	School to school service: how to transfer information What academies, free schools and colleges should publish online