NETHERTON INFANT SCHOOL

SUSPENSION AND PERMANENT EXCLUSION POLICY

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KAHSC – July 2026 (V9)

[1] *The Employer free to determine how to implement.*
[2] *The Governing Body/Board of Trustees or Proprietor free to determine review period. (DfE recommend annually)*

REVIEW SHEET

Each entry in the table below summarises the changes to this Policy and procedures made since the last review (if any).

Version Number	KAHSC Version Description	Date of Review/Revision
1	Original	September 2020
2	Minor update to make temporary reference to the COVID-19 pandemic into a permanent reference to any public health emergency that impacts on a governing board's ability to meet to discharge their legal duties on exclusion.	September 2021
3	Removed on page 1 reference and links to DfE additional Covid-19 addendum on exclusions which ceased on 27 March 2022 and following introduction of UKHSA 'Living with Covid-19' guidance.	April 2022
4	Significant legal updates that schools must take account of when setting out the Governing Body's/Board of Trustees' Policy and procedures related to permanent exclusion, suspension rather than fixed term exclusion, off-site direction, and managed moves. Significant updates to language and terminology regarding reasons and the process with new or significantly updated sections including the process, re-instatement, re-integration, appealing, off-rolling, and making a complaint.	September 2022
5	Review to take account of changes in the DfE statutory guidance in force from 1 September 2023 and to update links to KAHub and external websites. **Note:** the Sept 2023 statutory guidance applies to exclusions that occur on or after 1 September 2023. Previous guidance applies to exclusions that occurred before this date.	September 2023
6	Revised to take account of changes in the DfE statutory guidance in force from 1 September 2024. **Note:** the Sept 2024 statutory guidance applies to exclusions that occur on or after 1 September 2024. Previous guidance applies to exclusions that occurred before this date.	September 2024
7	Minor changes to links and deletions where websites or links no longer exist.	September 2025
8	From 1 January 2026, the SENDIASS service will no longer be available to parents in Westmorland and Furness Council. Parents should be directed to CONTACT. (page 4 refers). Applies to W&F Schools **only**.	January 2026
9	Updated to take account of the DfE revised statutory guidance which comes into force on 26 July 2026	July 2026

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1. Policy statement

Netherton Infant School is committed to our positive approach to encouraging good behaviour which is essential to ensure all pupils can benefit from the educational opportunities we provide and reach their full potential.

The Government supports Head teachers in using suspension, direction off-site, managed moves, and permanent exclusion as essential behaviour management tools when warranted as part of creating and a calm, safe, and supportive environment that brings out the best in every pupil and in which all pupils and staff can work in safety and are respected. This means that suspension may sometimes be necessary, with permanent exclusion only used as a last resort of our system, where it is accepted that not all pupil behaviour can be changed by pastoral processes, or consequences in school.

We recognise our responsibility to communicate clearly to pupils, staff, and parents, our behaviour expectations, and the responsibility of all individuals working with pupils to ensure that no suspension or exclusion will be initiated without first exhausting other strategies, or in the case of a serious incident, a thorough investigation. Information about this Policy and procedures is included in the induction process for new admissions to school, is published on the school website, and a copy can be obtained by (contacting the school office).

Whilst suspension or exclusion may be an appropriate sanction, our Head teacher will investigate whether any contributing factors may have led to the incident/s of poor behaviour e.g. bereavement, mental health issues, or bullying. We have a range of policies and procedures in place to promote good behaviour and appropriate conduct, we take steps to access local support services like Inclusion Support Officers and Early Help Services, and we strive to foster good parental engagement. For more information about the strategies we use and resources available to help us manage behaviour, please see our Behaviour Policy and procedures.

This Policy describes the arrangements and procedures for suspending or permanently excluding a pupil from school on disciplinary grounds and is in line with the statutory guidance Suspension and permanent exclusion from schools including pupil movement to which further detailed reference will be made. It should be read in conjunction with the school's Behaviour Policy which sets out in more detail the disciplinary grounds that may lead to suspension or exclusion and others where relevant e.g. our Attendance Policy, Equality Policy and Special Educational Needs and Disability Policy.

During a local or national emergency which significantly impacts on the ability of our Governing Body to meet to discharge their legal duties regarding suspensions and exclusions, an Addendum to this Suspension and Exclusion Policy may become necessary and we will follow relevant Department for Education (DfE) statutory guidance in place at that time to devise it. It will describe any temporary changes made to our school suspension or exclusion process due to the emergency and must be read in conjunction with this Policy.

Policy Definitions

Parent	A child's birth parents or anyone who has parental responsibility (which includes the Local Authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives (Education Act 1996). Where possible, all those with parental responsibility will be involved in the suspension or exclusion process.
Relevant person	The parent (or the pupil if aged 18 or over) that this school has legal obligations to under The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.
Term	The autumn, spring, or summer terms of the academic year.
Academic year	Our academic year beginning with the first day of school after 31 July and ending with the first day of school after the following 31 July.

Exclusion	Exclusion of a pupil from a school means exclusion on disciplinary grounds and does not include situations where a pupil is sent away from school or told not to attend for reasons which are not disciplinary.
Suspension	"exclusion (from school) for a fixed period"[1] for a pupil for one or more fixed periods of time up to a maximum of 45 school days in a single academic year.
Permanent exclusion	When a pupil is no longer allowed to attend a school (unless the pupil is reinstated)[1].
Cancelled exclusion	Exclusion that has been cancelled, withdrawn or rescinded before the governors have met to consider whether the pupil should be reinstated.
Managed move	A voluntary process which leads to the transfer of a pupil to another mainstream school permanently.
Remote access	Refers to a meeting arranged by the governing board or arranging authority that is carried out via electronic means such as a live video link.
Off-site direction	When the Governing Body of a maintained school requires a pupil to attend another education setting to improve their behaviour. The Board of Trustees of an academy or multi-academy trust, not included in the legislation, can also use 'off-site direction'.
Alternative Provision (AP)	Suitable full-time education arranged for a pupil from the 6th (sixth) school day (or earlier) of a suspension or the 6th (sixth) school day (or earlier) after the first day of a permanent exclusion under s100 of the Education and Inspections Act 2006 OR Education arranged for pupils who are unable to attend a mainstream or special school and who are not educated at home, whether for behavioural, health, or other reasons. Either can include Pupil Referral Units (PRUs), AP academies and free schools, and hospital schools, or independent, registered, unregistered, and further education settings.

2. Reasons for suspension or permanent exclusion

Only the Head teacher at this school can suspend or permanently exclude a pupil on disciplinary grounds.

We use suspension to clearly signal what is unacceptable behaviour in line with our Behaviour Policy and procedures to show a pupil that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a pupil, the Head teacher will consider whether suspension alone is an effective sanction and whether additional strategies need to be put in place to address behaviour.

The decision to suspend or permanently exclude a pupil will only be taken:

- in response to a serious breach or persistent breaches of our Behaviour Policy, or
- where allowing the pupil to remain in school would seriously harm the education or welfare of other people or the pupil themselves in the school.

While the following is not a definitive list, examples of the types of circumstances that may warrant a suspension or permanent exclusion include:

- Physical assault against an adult or pupil
- Verbal abuse or threatening behaviour against an adult or pupil
- Use, or threat of use, of an offensive weapon or item prohibited by our Behaviour Policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability
- Behaviour outside the school which contravenes our Behaviour Policy and procedures

When reporting to the DfE, we can give up to 3 reasons for each suspension or permanent exclusion.

3. Deciding to suspend or permanently exclude

When we decide to suspend or permanently exclude a pupil from school (regardless of the length of time), we will:

- take account of our legal duty of care when sending a pupil home;
- establish the facts in relation to the decision according to the civil burden of proof i.e. on 'the balance of probabilities' (whether the breach more than likely did than did not, happen) and not the criminal burden of proof, 'beyond reasonable doubt';
- take care in the process not to discriminate against, harass or victimise pupils because of their sex, race, disability, religion or belief, sexual orientation, pregnancy/maternity, or gender reassignment and make reasonable adjustments to ensure everyone can participate in the process, including where a difficulty may be due to English not being a child or parent's first language;
- communicate with parents without delay in person or by telephone in the first instance to give them an opportunity to ask questions or raise concerns with the Head teacher. Parents will be directed to the DfE guidance '[School exclusions: guide for parents]';
- communicate decisions clearly and in writing by delivering any written notification of the decision to suspend or permanently exclude a pupil in-person directly to their parents, by leaving it at their usual or last known home address, or by posting it to that address but with all due regard for necessary reasonable adjustments as above. We will only make this kind of notification via email, secure app, or another agreed electronic method if we have a written agreement with parents that we can.
- Notify, without delay, the Governing Body, the Local Authority, and the pupil's home Authority, regardless of the length of a suspension, so that they can arrange, where necessary, continuing education if different from the school's (to include reporting to Governors once per term of any other suspensions they have not previously been notified of).
- within 14 days of a request, provide the Secretary of State for education and the Local Authority, with information about any exclusions within the last 12 months.

4. The suspension and exclusion process

4.1 Suspension

A suspension, where a pupil is temporarily removed from this school and must stay at home can be for one or more fixed periods of time, up to a maximum of 45 school days in a single academic year and does not have to be continuous periods.

A suspension can be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. Lunchtime suspensions are counted as half a school day in determining whether a Governing Body meeting is triggered.

We aim to make a suspension the shortest time necessary to ensure minimal disruption to the child's education, whilst being mindful of the seriousness of the breach of Policy that led to it.

A suspension cannot be extended or 'converted' to a permanent exclusion. In exceptional cases, usually where further evidence has come to light, e.g. where there has been further investigation of the pupil's misconduct during the initial suspension and the Head teacher has determined that the initial suspension was not enough of a sufficient sanction, 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 the suspension.

When the decision is made to suspend a pupil from school, the Head teacher will:

1) **Inform parents without delay** explaining the reason(s) for the suspension and how long it will last. This is usually done in person or by telephone by the end of the afternoon session on the first day of the suspension (or permanent exclusion) at the latest.

2) **Notify parents in writing** without delay of the following information:

- the reason(s) for the suspension and how long it will last;
- that during the first 5 days of any suspension, the pupil must not be in a public place during school hours and if parents fail to ensure this without reasonable justification, they will be committing an offence and may be given a fixed penalty notice or be prosecuted;
- that work has been set and will be marked for pupils during the first five school days of a suspension and how this can be accessed;
- If alternative provision of full-time education is being arranged and, if it can reasonably be found out within the timescale, the following details:
  - the start date for any provision,
  - the start and finish times, including the times for morning and afternoon sessions if relevant,
  - the address at which the provision will take place, and
  - any information the pupil needs to identify the person they should report to on the first day.
- the parents' right to make representations about the suspension to the Governing Body and how the pupil can be involved in this;
- The parents' (or an excluded pupil if they are 18 years or older) right to make a request to hold the meeting via the use of remote access and how, and to whom, to make this request (further guidance on other information this should include can be found in Annex A: Key principles when conducting meetings via the use of remote access of the DfE statutory guidance Suspension and permanent exclusion from schools including pupil movement);
- how any representations should be made; and
- where there is a legal requirement for the Governing Body/Board of Trustees to consider whether the pupil should be reinstated, that parents (or a pupil if they are 18 years or older) have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

This school understands how important it is to write legally correct letters about suspension and permanent exclusion and the process so we will use templates provided or recommended to us by our Local Authority. We also understand that failure to notify a parent regarding being in a public place and the penalties, or about alternative provision by the required time does not relieve our Head teacher of the duty to serve the notice.

A notice will not be considered invalid solely because it has not been given by the required time.

If information will be sent home with the pupil, our Head teacher will consider sending a duplicate copy by an alternative method or confirming that the information has been received.

3) **Provide information** about relevant sources of free and impartial information including:

- Coram's Child Law Advice service website - Tel.: 0300 330 5485 - Monday to Friday, 10am-4pm.
- Independent Provider of Special Education Advice (IPSEA) website, a registered charity offering free and independent information, advice, and support to help get the right education for children and young people with all kinds of special educational needs and disabilities (SEND).
- The SEN or SEND Information Advice & Support Services Network (formerly known as the local parent partnership g. Cumberland SENDIAS Service and links to other relevant local services for families.

4) **Ensure that the pupil still receives their education** by taking steps to ensure that work is set and marked for the first five school days of a suspension (or until the start date of any full-time alternative provision or the end of the suspension if this is earlier). This can include using seesaw and tapestry.

5) **Ensure that arrangements are in place for Alternative Provision (AP) of education** for a pupil from the 6th day of their suspension if it is for more than 5 days (or if consecutive shorter suspensions have now accumulated to more than 5 days).

   If information about this alternative provision was not communicated to parents because it was not available by the end of the afternoon session on the first day of the suspension (or permanent exclusion), we will ensure they receive written notice without delay and no later than 48 hours before the AP is due to start. We will also collaborate with the local authority in relation to appropriate free home to school transport (where the pupil is eligible) to the place where they will be receiving education. The only exception is where AP will be provided *before* the 6th day of a suspension or permanent exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

6) **Inform other key workers** such as the Virtual School Head (VSH) if the pupil is a 'cared for' child and their social worker if they have one, without delay after the decision.

   Both the social worker and/or VSH, will be informed when a Governing Body/Board of Trustees meeting is taking place, so that they can share information with us. The social worker and/or the VSH can also attend the Governor's meeting where parents make representation if they want to.

7) **Inform the Governing Body/Board of Trustees** without delay 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 more than ten lunchtimes) in a term; and
   - any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.

8) **Inform the Local Authority** without delay of all school suspensions (regardless of length) or permanent exclusions, including the reason(s) and the duration of suspension or, in the case of permanent exclusion, the fact that it is permanent. In this case, the local authority must arrange suitable full-time education for the pupil to begin from the 6th school day after the first day the permanent exclusion took place.

   For a permanent exclusion, if the pupil lives outside the Local Authority area in which the school is located, the Head teacher will also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it.

9) **Arrange a re-integration meeting** on the pupil's return to school where all those concerned can discuss the best way forward to support future behaviour.

10) **Remove permanently excluded pupils from the school roll** at the right time.

When a pupil has disabilities or special educational needs we will make reasonable adjustments in how we support them during this period.

Any time a pupil is sent home due to disciplinary reasons, including when asked to use online pathways instead of coming to school, will always be recorded as a suspension.

Where suspensions are becoming a regular occurrence for a pupil, we will consider whether suspension alone is an effective sanction for them and whether additional strategies need to be put in place to address behaviour.

4.2 Off-site direction

Off-site direction is when Governors require a pupil to attend another education setting temporarily to improve their behaviour because interventions or targeted support to do so in school have not been successful. This school uses it to arrange time-limited placements at Alternative Provision (AP) or another

mainstream school for the shortest time necessary. In arranging the provision, the Governors will have regard to the statutory guidance Arranging Alternative Provision: A guide for local authorities and schools.

When possible, we will use in-school interventions or targeted support from AP to meet a pupil's individual needs and circumstances, whether behavioural or special educational. A part-time timetable will not generally be used to manage a pupil's behaviour and where it is, it will only be in place for the shortest time necessary.

Off-site direction into AP can be full-time or a combination of part-time support with AP and continued mainstream education for a proposed maximum period of time to be agreed on as part of the planning phase. Plans will also consider alternative options once the time limit has been reached, including a managed move on a permanent basis on review of the time-limited placement.

Prior to any off-site direction, and in order to ensure that the pupil is protected, we will share all relevant information with the new school/provision and local authority as appropriate, including, data on prior and current attainment, academic potential, a current risk assessment (in the form of a Behaviour Management Plan or similar), and advice on effective ongoing risk management and/or other pupil support strategies. We will also provide evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support or any statutory assessments.

The Governing Body will notify the parents (or the pupil if 18 or older) (and the Local Authority if the pupil has an Education, Health, and Care Plan (EHCP) in writing and provide information about the placement as soon as is practical after the direction has been made and no later than two school days before the start date.

This notice will include the following information:

- the address at which the educational provision is to be provided for the pupil;
- the person to whom the pupil should report to on first attending that address for the purposes of receiving the educational provision;
- the number of days for which the requirement is to be imposed;
- the reasons for, and objectives of, imposing the requirement; and in relation to the educational provision:
    - where two sessions per day are provided, the times at which the morning session commences, the afternoon session ends and the break between them commences and ends, or
    - where a single session per day is provided, the times at which the session commences and ends

Parents (or pupils aged 18 or over) and, where the pupil has an EHCP, the Local Authority can request, in writing, that Governors/Trustees hold a review meeting. When this happens, we must comply with the request as soon as is practical, 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 and the reintegration plan will be kept under review by the Governing Body/Board of Trustees through review meetings at suitable intervals throughout the placement.

We will write to invite parents (or the pupil if 18 or older, and the Local Authority if the pupil has an EHCP) to attend a review meeting or to submit in writing before the date of the meeting their views as to whether off-site direction should continue, no later than six days before the meeting date. The meeting will include arrangements for reviews, including how often, when the first review will be, and who should be involved e.g. school, parents, the pupil, and other agencies such as a pupil's social worker, Child and Adolescent Mental Health Services (CAMHS), Children Advice and Support Service (CASS)* | Multi-agency Children's Hub (MACH) to establish agreed monitoring points to discuss the pupil's ongoing behaviour. These reviews will be recorded in writing and be frequent enough to provide assurance that the off-site direction is achieving its objectives via monitoring points.

The Governing Body will give written notification of their decision on whether the requirement to attend the placement should continue and if so, for what period of time including the reasons for it to the parent no later than six days after the date of the review meeting.

To support a pupil with reintegration back into school here, the focus of intervention while off-site will remain on ensuring they continue to receive a broad and balanced curriculum in line with any reasonable adjustments needed due to SEND whilst any inappropriate behaviours requiring intervention are being addressed.

The length of time a pupil spends in another mainstream school or AP will depend on what best supports the pupil's needs and potential improvement in behaviour.

4.3 Managed move

A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves will only be offered as part of a planned intervention when we have evidence that it is in the pupil's best interests. It is voluntary, to be agreed with all parties involved, including the parents and the admissions authority of the new school. For temporary moves, see Off-site Direction above.

The law does not allow for a 'trail admission' or 'trial managed move'. If a temporary move needs to occur to improve a pupil's behaviour, then off-site direction as described in section 4.2 above will be used.

Where a pupil has an EHCP, the relevant statutory duties on the new school and Local Authority will apply. If we are thinking about a managed move, we will contact the Local Authority before it goes ahead. If the Local Authority, both schools and parents are in agreement that there should be a managed move, the Local Authority will follow the statutory procedures for amending the EHCP.

Prior to any managed move, and in order to ensure that the pupil is protected we will share information with the new school, including data on prior and current attainment, academic potential, a current risk assessment (in the form of a Behaviour Management Plan or similar), and advice on effective ongoing risk management and/or other pupil support strategies. We will also provide evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support or any statutory assessments. It is also important for the new school to ensure that the pupil is provided with an effective integration strategy. For information on reintegration see section 7 below.

If a parent believes they are being pressured into a managed move or is unhappy with the plan, they can complain to the Governing Body using our formal complaints procedure and, where appropriate, the Local Authority using their complaints procedure.

Where a pupil has a social worker, including if they have a Child in Need Plan or a Child Protection Plan and as soon as consideration is being made for a managed move and prior to it, the social worker will be notified as well as the DSL and (unless this would lead to safeguarding risks) the pupil's parents. For looked-after children, the relevant authority's VSH will also be notified of the proposed managed move.

If agreed by all relevant parties that a managed move is in the best interests of the pupil, then both we and the new school will 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.

A pupil will not be permanently excluded because of their parent's (and/or pupil's where appropriate) refusal to agree a managed move. It is unlawful to exclude a pupil for a non-disciplinary reason. If a parent takes the view their child should move to a new school and we do not consider that a managed move is appropriate, it is open to the parents (and/or pupil where appropriate) to apply for a new school place by making an in-year application. The admission authority of the new school (or the local authority if it is coordinating in-year admissions), will process the application in accordance with its own in-year admission arrangements.

4.4 Permanent exclusion

A permanent exclusion is when a pupil is permanently excluded from school and not allowed to return. This is a very serious outcome and decision, and the Head teacher will consult with senior leaders and the chair of the Governing Body as soon as possible in such a case. The Head teacher will make clear to the Governing Body whether the need to consider reinstatement is dependent on receiving parental representations.

We will follow the same procedure to decide on and initiate a permanent exclusion for a pupil as for a suspension (see above), including using appropriate template letters from our Local Authority.

However, where a child is not returning to our school, we will not arrange alternative education and instead will take steps to initiate an assessment of the pupil by the Local Authority responsible for their continuing education (from the 6th day after exclusion), so that a long-term re-integration plan for a new placement can be put in place.

We will also draw attention to a pupil's EHCP if they have one because the Local Authority must ensure that an appropriate full time placement is identified in consultation with parents, who retain their rights to express a preference for the school they want their child to attend or make representations for a placement in any other school.

4.5 Cancelling exclusions

The Head teacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the Governing Body (or Board) has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled:

- The Head teacher must notify, without delay, (in writing or via email/text to an address that the parent has agreed can be used for notifications of this kind) the parent (if the pupil is under 18) or the excluded pupil if aged 18 or over, the Governing Body/Board of Trustees, the Local Authority and the pupil's social worker and/or Virtual School Head teacher as applicable. The notification must also provide the reason for the cancellation.
- The Governing Body/Board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.
- Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the Head teacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged 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 (see 4.1 above).

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.

5. Reinstatement

The committee considering the suspension or permanent exclusion of a pupil from school will consist of at least three Governors.

The Governing Body has a duty to consider parents' representations about a suspension or permanent exclusion but does not have the power to decide whether to reinstate the pupil in all cases.

The requirements on a Governing Body/Board of Trustees to consider the reinstatement of a suspended or permanently excluded pupil depend upon a number of factors illustrated by the flowchart below, 'A summary of the Governing Board's duties to review the Head teacher's exclusion decision' (from p44 of statutory DfE guidance 'Suspension and permanent exclusion from schools including pupil movement').

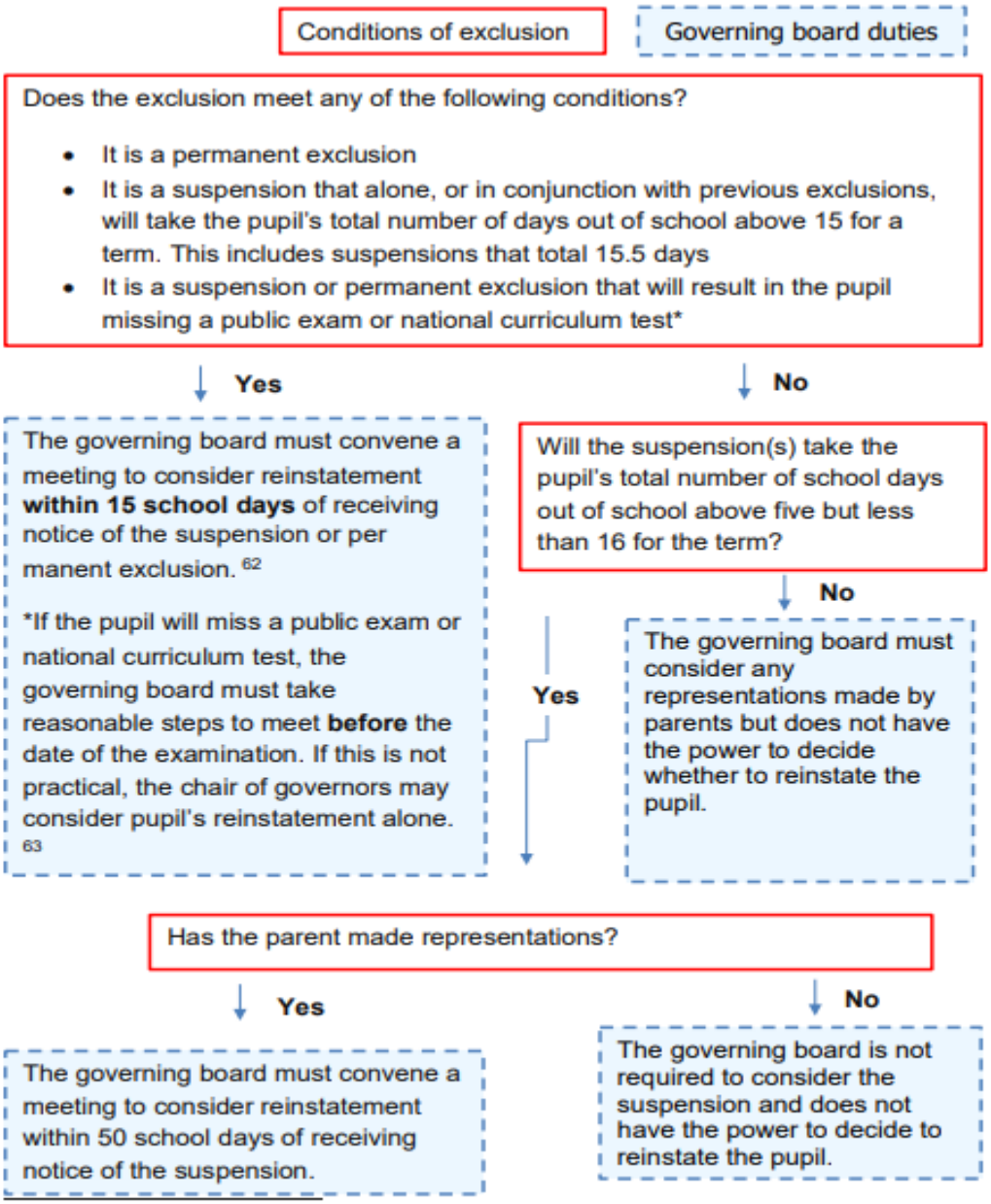
The Governing Body/Board of Trustees will consider and decide on the reinstatement of a suspended or permanently excluded pupil **within 15 school days** of receiving notice of a suspension or permanent exclusion from the Head teacher if it:

- is a permanent exclusion;
- is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term; or
- would result in the pupil missing a public examination or national curriculum test.

If the pupil would be suspended for more than five but less than 16 school days in a term *and* if parents make representations, Governors will 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, our Governing Body/Board of Trustees is not required to meet and cannot direct the reinstatement of the pupil.

'A summary of the Governing Board's duties to review the Head teacher's exclusion decision'



[61] Parents on diagram refer to parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

[62] The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

[63] The ability for a chair to review in the case of public exams refers only to maintained schools.

Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, Governors will consider and decide on the suspension or permanent exclusion **before the date of the examination or test where possible**. If it is not practical for enough Governors to consider the reinstatement before the examination or test, the Chair of Governors alone (or vice chair if the chair is unavailable) may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the Governing Body will consider any representations made by parents, but it cannot

direct reinstatement and is not required to arrange a meeting with parents. If a meeting is considered, it should happen within a reasonable amount of time.

We will make the pupil and/or their parents aware of their right to attend and participate in the Governor's/Trustee's meeting. The pupil will also be enabled and encouraged to participate at all stages of the process, considering their age and understanding, including to make a representation on their own behalf if they want to.

The following parties will be invited to a meeting of Governors to make representations or share information:

- parents and the pupil (and, where requested, a representative or friend – more than one friend or representative can be permitted to accompany, having regard to a reasonable limit on numbers attending the meeting);
- the pupil if they are 18 years or over;
- the Head teacher;
- a representative of the Local Authority;
- the child's social worker if the pupil has one; and
- the VSH if the child is 'cared for' by the LA.

When conducting the review meeting, we will follow DfE statutory guidance paragraphs 131-149.

Governors/Trustees will either decline to reinstate the pupil or direct reinstatement of the pupil immediately or on a particular date.

If Governors/Trustees decide against the reinstatement of a pupil who has been permanently excluded the parents can ask for the decision to be reviewed by an Independent Review Panel (IRP) which will include representatives from the Governing Body/Board of Trustees. Parents can request an IRP even if they did not make representations to or attend the meeting at which the Governing Board considered reinstating the pupil.

If a reinstatement meeting would make no practical difference because for example, the pupil has already returned to school following the expiry of a suspension or the parents make clear they do not want their child reinstated, the Governing Body/Board of Trustees will still meet to consider whether the pupil should or would have been officially allowed back into the school. Ideally, a reinstatement meeting should happen as soon as possible and before the pupil is back in school.

6. Appealing to an Independent Review Panel (IRP)

If applied for by parents within the legal time frame and regardless of whether they have made any representation to school, our Local Authority/Academy Trust will, at their/our expense, arrange for an Independent Review Panel hearing to review the decision of a Governing Body/Board of Trustees not to reinstate a permanently excluded pupil. IRPs can be held via the use of remote access (e.g. via live video link) if requested by parents (if the pupil is under the age of 18) or by the excluded pupil if aged 18 or over, due to extraordinary events or unforeseen circumstances, but this will not be the default option.

The legal time frame for an application is:

- within 15 school days of notice being given to parents by the Governing Body/Board of Trustees of their decision to uphold a permanent exclusion; 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 exclusion.

Any application made outside of the legal time frame will be rejected by the Local Authority/Academy Trust.

The Local Authority/Academy Trust will identify a date for the review that all parties, and any SEN expert appointed to give advice in person, are able to attend. However, the review must begin **within 15 school days** of the day on which a parent's application for a review was made (panels have the power to adjourn a hearing if required). The venue should also be reasonable accessible to everyone who needs to attend.

Parents have a right to request the attendance of a SEN or SEND expert (SENDIAS/CONTACT service) at a review, regardless of whether the school recognises that their child has SEN or a disability. This person is paid for by the Local Authority/Academy Trust and their role is to provide impartial advice to the panel on how special educational needs or disability might be relevant to the exclusion, for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil. Every exclusion letter should include details of the local SENDIAS/CONTACT service.

The meeting will be held in private unless the Local Authority/Academy Trust directs otherwise.

The meeting can be adjourned at any time and more than once, providing the effect of an adjournment on the parties to the review, the permanently excluded pupil and their parents, and any victim(s) has been considered.

Where the issues raised by two or more applications for review are the same, or connected, the panel may combine the reviews if, after consultation with all parties, there are no objections.

In reviewing the decision, the panel must consider the interests and circumstances of the permanently excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The panel must also apply the civil standard of proof rather than the criminal standard.

Following its review, the panel can decide to:

- uphold the Governing Body's decision not to reinstate;
- recommend that the Governing Body reconsiders reinstatement; or
- quash the Governing Body's decision and direct that the Governing Body reconsiders reinstatement.

The IRP's decision is binding on the: pupil; parents; Governing Board; Head teacher; and Local Authority. The decision does not have to be unanimous and can be decided by a majority vote. In the case of a tied vote, the chair has the casting vote.

The panel may only quash our Governing Body's decision not to reinstate if it considers that the decision was flawed when considered in the light of the principles applicable to an application for judicial review (see DfE statutory guidance, paragraphs 244 to 249).

New evidence may be presented to the panel, but we, the school may not introduce new reasons for the permanent exclusion or the decision not to reinstate the pupil.

In deciding whether the Governing Body's decision was flawed, and whether to quash the decision not to reinstate, the panel will only take account of the evidence that was available to the Governing Body/Board of Trustees at the time of making its decision not to reinstate. This includes any evidence that the panel considers would, or should, have been available to the Governing Body/Board of Trustees and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the Governing Body/Board of Trustees to have been aware of at the time of its decision, the panel can still take account of the evidence when deciding whether to recommend that Governors/Trustees reconsider reinstatement.

7. Requests for remote access meetings for Governing Body/Board meetings or IRPs

Parents (if the pupil is under 18) or excluded pupils (if they are aged 18 years or older) can request a meeting to be held via the use of remote access (e.g. video link) but this will not be a default option. The Governing Body/Board or arranging authority must hold the meeting via the use of remote access, if the request has been made correctly as set out in the Head teacher's written notification (described in 4.1 (2) above) or the Governing Body/Board's written notification to the parents that they can request an IRP (described in 6. Above). Holding meetings via remote access will only be done if the Governing Body/Board or arranging authority is satisfied that the meeting is capable of being held fairly and transparently.

Where a Governing Body/Board or an arranging authority has safeguarding concerns in agreeing to a parent's request for a remote meeting as a result of any risk assessment they have undertaken, they can, in such circumstances, refuse to hold a meeting through the use of remote access if, as a result of the

safeguarding concern, a remote meeting will not fully enable the participants to take part or cannot be held fairly and transparently. The meeting will be held face to face instead. In taking such a decision, the Governing Body/Board or an arranging authority needs to ensure that the conditions as described in paragraphs 273 of the DfE statutory guidance 'Suspension and permanent exclusion from schools including pupil movement' are always met.

Further advice and guidance is provided in Part eleven of the DfE statutory guidance 'Suspension and permanent exclusion from schools including pupil movement'.

8. Safeguarding

If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil or if a pupil has been reinstated following a Governing Body/Board's review, important decisions will need to be made alongside the school's duty to safeguard and support children and our duty to provide an education. As part of this duty, we will have regard to guidance issued by the DfE outlined in the statutory guidance Keeping Children Safe in Education, and in particular, Section 5 which details with cases of sexual violence and child on child abuse.

8.1 Separation of pupils for safeguarding purposes

In certain circumstances we can temporarily forbid a pupil from attending school, 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. In this situation, the local authority must arrange education for the pupil if the school itself or the pupil's parent does not do so. This is not an exclusion on disciplinary grounds. The school will also inform the parents of the reason why the pupil has been temporarily forbidden from attending. The Governors/Trustees will also be notified of this rare circumstance, which would only be used when separating pupils is essential and cannot practicably be done in a way that lets one or more pupils remain on school premises.

In taking any action as described above, we will consider our duties under the Human Rights Act 1998, the Equality Act 2010 and refer to Part 5 of the DfE statutory guidance Keeping Children Safe in Education which provides us with robust information on managing reports of child on child sexual violence and harassment. Support and advice will be sought from the Cumberland CASS and, where necessary, the Police.

9. Reintegration

We will support pupils to reintegrate successfully into school life and full-time education following a suspension, a period of off-site direction, separation for safeguarding purposes or where suspensions have ended or been cancelled or where permanent exclusions have been cancelled. We will work to provide them with a fresh start designed to help them understand the impact of their behaviour on themselves and others; teach them to how meet the high expectations of behaviour in line with the school culture; foster a renewed sense of belonging within the school community; and builds engagement with learning.

Measures might include:

- maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school;
- daily contact with a designated pastoral professional in-school;
- use of a report card with personalised targets leading to personalised rewards;
- ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress;
- planned pastoral interventions;
- mentoring by a trusted adult or a local mentoring charity;
- regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage;
- informing the pupil, parents, and staff of potential external support.

Our reintegration strategy will be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school and where possible this meeting should include the pupil's parents. No pupil will be prevented from returning to school if parents are unable or unwilling to attend.

Where the reintegration strategy includes the use of a part-time timetable, any pastoral support will have a time limit by which point the pupil is expected to attend full-time education. We will introduce formal arrangements for regularly reviewing a part-time timetable with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and will take the appropriate steps for a leave of absence.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties, including to identify if the pupil has any SEND and/or health needs.

10. Suspension or exclusion of a child who has special educational needs or disabilities (SEND)

The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can apply to both the suspension and permanent exclusion process and to disciplinary sanctions imposed. Under the Children and Families Act 2014, Governors/Trustees must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEND, which includes support in relation to behaviour management needed because of their SEND.

This school is committed to working proactively with parents in supporting the behaviour of pupils with additional needs. In partnership with others (including the Local Authority where appropriate and always when a pupil has an EHCP), we will consider what additional support or alternative placement may be required.

This process will involve assessing the suitability of provision for a pupil's SEN or disability and, when an EHCP is in place, we will contact the Local Authority about any behavioural concerns at an early stage and consider requesting an early annual review of the EHCP before making the decision to suspend or permanently exclude the pupil.

For those with SEN but without an EHCP, we will review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may trigger a an EHCP assessment or a review of the pupil's current package of support.

We will contact the local authority where we are contemplating a managed move for a pupil with an EHCP and where the local authority and both schools agree that there should be a managed move, the local authority are responsible for amending the EHCP.

11. Suspension or exclusion of a child who has a social worker, including cared for and previously cared for children

For the majority of children who have a social worker, this is due to known safeguarding risks at home or in the community: over half are in need due to abuse or neglect.

Where a pupil has a social worker, e.g. because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, we will inform their social worker, the Designated Safeguarding Lead (DSL) and (unless this would lead to safeguarding risks) the pupil's parents to involve them all as early as possible in relevant conversations.

Where a cared for child is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) will contact the local authority's VSH as soon as possible. The DT will seek the advice of the VSH and consider what additional assessment and support need to be put in place to help us address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. This will include how we are using Pupil Premium Plus, and consideration will be given to how effectively the current Personal Education Plan (PEP) is being implemented and whether an interim PEP review needs to

be called. Where relevant, we will also engage with a child's social worker, foster carers, or children's home workers.

12. Marking attendance registers and off-rolling pupils

Any exclusion of a pupil, even for short periods, will be formally recorded. When a pupil is suspended, they will be marked as absent from this school using Code E (excluded but no alternative provision made) for up to 5 days of a period of suspension.

Where alternative provision is made by the school, and pupils attend it, they will be marked as absent from this school using code B (Approved educational activity). Where education provision is arranged by the LA, Code K should be used. Code D (dual registration) to be used where the pupil is attending a session at another setting where they are also registered. Code D is used to indicate that the pupil is absent with leave to attend the other school.

We will ensure that no unlawful exclusion of a pupil which leads to the deletion of a pupil's name from the register (off-rolling) takes place and the formal exclusion process will be followed.

Examples of unlawful exclusions or 'off-rolling' include:

- exercising undue influence over a parent to remove their child from the school under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or another school place;
- moving a pupil to off-site AP where that is not in the best interests of that pupil;
- encouraging a post-16 student not to continue with their course of study when this is against the best interests of that pupil;
- sending a pupil home without a formal suspension regardless of whether it occurs with the agreement of parents;
- placing a pupil on a part-time timetable for behavioural reasons;
- intentionally removing a pupil from the school roll without correctly following regulations.

The Governing Body/Board of Trustees will ensure that a pupil's name is removed from our school admission register in accordance with the School Attendance (Pupil Registration) (England) Regulations (and make the appropriate return to the Local Authority about it - para 160 of the DfE guidance on Suspension and permanent exclusion details what information the return must include) if:

- 15 school days have passed since the parents were notified of the Governing Board'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.

The Governing Body/Board of Trustees will regularly review suspensions and permanent exclusions, those taken off roll and those on the school admission register but attending education off-site.

13. Making a complaint

Parents who want to make a complaint about their child's suspension or permanent exclusion should follow our school complaints procedure, starting at the Formal Stage 2 by writing to Governors.

This is because actions that are equivalent to the informal stage of our complaints procedure and the Formal Stage 1 will already have happened during our ordinary suspension and exclusion process. Therefore, the complaint can go straight to Governors/Trustees for their consideration based the nature of the complaint and their examination of the established evidence from the completed suspension and exclusion process.

14. References

The following documents have been used as references and must be read in conjunction with this Policy:

- DfE Behaviour in Schools guidance and advice
- DfE Keeping Children Safe in Education statutory guidance

- DfE Working together to improve school attendance statutory guidance
- DfE Mental health and behaviour in schools non-statutory advice
- DfE Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement