



# **SUSPENSION AND PERMANENT EXCLUSIONS POLICY**

THIS POLICY APPLIES TO THE HEARTWOOD LEARNING TRUST BOARD, THE CENTRAL TEAM, AND ALL TRUST SCHOOLS/ACADEMIES. IT IS TO BE READ IN CONJUNCTION WITH THE TRUST'S BEHAVIOUR POLICY.

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## Policy Updates

| Date         | Page         | Policy Updates                                                                                                                            |
|--------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| January 2025 | 4            | Introduction added in line with other Trust Policies                                                                                      |
| January 2025 | 6            | 1.2 - Legal framework updated                                                                                                             |
| April 2026   | Whole policy | References to 'Children Looked After' changed to 'Children in Care' in line with the Safeguarding and Child Protection Policy             |
| April 2026   | Whole policy | Removal of reference to SEMH Policy                                                                                                       |
| April 2026   | Whole policy | Removal of references to compulsory school age from a Trust perspective                                                                   |
| April 2026   | 10           | Details added regarding delegation of authority to suspend                                                                                |
| April 2026   | 12           | 8.1 - clarification on calculating suspension sessions                                                                                    |
| April 2026   | 20           | Removal of point regarding training.                                                                                                      |
| April 2026   | 17           | 22 - Monitoring and Review - wording updated in line with other Trust policies                                                            |
| August 2026  | Whole policy | Reformatted; inclusion of new Vision and Values iconography                                                                               |
| August 2026  | 6            | 1 - Legal Framework information updated to include current applicable legislation, guidance and policies                                  |
| August 2026  | 7            | 2.3 and 2.4 - Responsibilities updated to reflect Trustees are able to support Governors with suspension and permanent exclusion hearings |
| August 2026  | 8            | 2.5 - Updated responsibilities of the Principal                                                                                           |
| August 2026  | 9            | 2.6 - Separated responsibilities of the Clerk from the Principal                                                                          |
| August 2026  | 12           | 5.3 - 5.13 - New points added including 'Off-Rolling & Unlawful Exclusions' (5.7)                                                         |
| August 2026  | 13           | 6 - New section added - 'Separation of Pupils for Safeguarding Purposes'                                                                  |
| August 2026  | 13           | 7 - New section added - 'Alternative Measures'                                                                                            |
| August 2026  | 22           | Removal of Appendices A & B as internal use only documents. Stored within internal operating procedures file                              |

## Introduction

Heartwood Learning Trust is an inclusive and collaborative Church of England multi-academy trust serving church, community and alternative provision schools. This policy is guided by our Christian ethos and the visions of our Trust and its schools/academies. We share a clear vision – to create schools where children and young people thrive, as we help them prepare to live life in all its fullness (John 10:10).

For us, a place to thrive means much more than a place simply to be comfortable. Instead, our aim is to develop schools and an educational offer which enable each pupil to flourish academically, practically, emotionally, socially and spiritually.

## Statement of Intent

At Heartwood Learning Trust, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the Trust recognises that suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the Trust's **Behaviour Policy**. Suspending or excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding pupils should only be used as a means of last resort.

The Trust has created this policy to clearly define the legal responsibilities of the **Principal, Local Governing Committee (LGC)** and **Local Authority (LA)** when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

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

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

## OUR VISION

To provide environments where children and young people can thrive.  
*Life in all its fullness - a place to thrive*

## OUR VALUES

KINDNESS | RESPECT | TEAMWORK



A respectful and inclusive community, with a culture of thankfulness and appreciation, where we celebrate equality and diversity.



High quality teaching across all of our schools, in every learning session, without exception.



A broad and balanced educational offer which develops all pupils academically, practically, emotionally, socially and spiritually, leading to great outcomes.



Resilient, sustainable and ethical leadership at all levels of the organisation.

Our ambition as a fully inclusive Trust of Church of England schools/academies, including an ecumenical Anglican/Methodist school and community schools/academies, is for all our learners to flourish and to thrive in all aspects of their academic and personal development on their personal spiritual journey; to experience “life in all its fullness”, through our Trust values of **Respect**, **Teamwork** and **Kindness**.

Our Trust vision is closely aligned to the Church of England Vision for Education, of ‘life in all its fullness’ at its heart, for the common good of the whole community. We wish as a Trust to;

- Educate for wisdom, knowledge and skills: enabling our learners to build confidence and delight in seeking wisdom and knowledge and developing talents in all areas of life.
- Educate for hope and aspiration: to enable renewal, to support our learners to cope wisely when things go wrong, opening horizons and guiding learners to achieve their academic and personal goals.
- Educate for community and living well together: a core focus on positive respectful relationships in our schools/academies, working in partnership in our communities and flourishing together.
- Educate for dignity and respect: for all our learners to respect the value and preciousness of each person, treating each person as a unique individual of inherent worth.

Our Trust vision is also aligned to the **York Diocesan Board of Education (YDBE)** vision of seeking to build flourishing communities in schools/academies, parishes and homes. We are part of the wider family of **Diocesan** schools/academies, churches and communities in the **Diocese of York** and enjoy working collaboratively together to further enhance the academic and personal development of young people.

## 1. Legal Framework

- 1.1 This policy has due regard to all relevant **legislation** including, but not limited to, the following:
- Education Act 1996
  - Education Act 2002
  - Education and Inspections Act 2006
  - The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
  - Equality Act 2010
  - The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023
  - The European Convention on Human Rights (ECHR)
  - Children's Wellbeing and Schools Act 2026
  - **Children and Families Act 2014**
- 1.2 This policy also has due regard to **statutory** and **non-statutory guidance**, including, but not limited to, the following:
- DfE (2026) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
  - DfE (2024) 'Behaviour in Schools: Advice for Headteachers and School Staff'
  - DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
  - DfE (2018) 'Mental health and behaviour in schools'
- 1.3 This policy operates in conjunction with the following **Trust** policies:
- Behaviour Policy
  - Anti-bullying Policy
  - Special Educational Needs and Disabilities (SEND) Policy
  - Safeguarding and Child Protection Policy
  - Equality Policy and Objectives

## 2. Roles and Responsibilities

- 2.1 **The Chief Executive Officer (CEO) will be responsible for:**
- Reporting to the **Trustees** on any material concerns about the operation of this policy.
- 2.2 **The Local Authority (LA) is responsible for:**
- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of **Children in Care (CIC)**.
  - Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school/academy.
  - Reviewing and reassessing pupils' needs in consultation with their parents/carers where they have an **Education Health Care (EHC) plan** and are excluded permanently, with a view to identifying a new placement.

### 2.3 The Trust is responsible for:

- Establishing an **Independent Appeals Panel** of appropriate individuals to review the decision of the **Local Governing Committee (LGC)** representatives not to reinstate a permanently excluded pupil, where required.
- Arranging for the **Independent Review Panel** hearing to be held via remote access where requested by parents/carers.
- Arranging the hearing without delay at a time, date and venue convenient for all parties.
- Ensuring the **Independent Appeals Panel** consists of three or five members, as appropriate.
- Appointing a clerk to provide advice to the panel and parties to the review on procedure, law and statutory guidance on suspensions and permanent exclusions.
- Ensuring all panel members and the clerk have received applicable training within the two years prior to the date of the review.
- If requested by parents/carers, appointing a SEND expert to attend the panel e.g. the Trust's **Executive Director of SEND**.
- Supporting **Governors** with the formation of sub-committees convened to conduct **Suspension Hearings** and **Permanent Exclusion Hearings**.

### 2.4 The Local Governing Committee (LGC) is responsible for:

- In accordance with the Trust's **Scheme of Delegation**, the **LGC** is responsible for reviewing suspension decisions and considering reinstatement. A sub-committee of at least two **LGC** members from any school/academy within the Trust must be convened to conduct **Suspension Hearings**. (These members can come from across the Trust and include **Trustees**, where required)
- In accordance with the Trust's **Scheme of Delegation**, the **LGC** is responsible for reviewing permanent exclusion decisions and considering reinstatement. A sub-committee of at least three **LGC** members from any school/academy within the Trust must be convened to conduct **Permanent Exclusion Hearings**. (These members can come from across the Trust and include **Trustees**, where required)
- Considering parents/carers' representations about suspensions and permanent exclusions within **15 school days** of receiving notice if the appropriate requirements are met.
- Where a suspension or permanent exclusion would result in a pupil missing a public examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school/academy premises to sit the public examination or test.
- Considering the reinstatement of a permanently excluded pupil.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Considering the interests and circumstances of the suspended or permanently excluded pupil, including the circumstances in which they were suspended/excluded, and have due regard to the interests of others at the school/academy.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension/exclusion.
- Ensuring clear minutes are taken of the representation meeting.

- Noting the outcome of the representation meeting on the pupil's educational record, along with copies of relevant papers for future reference.
- Notifying the pupil's parent(s)/carer(s), the **Principal** and **LA** of its decision and the reasons for it, without delay.
- Where appropriate, informing parents/carers of where to apply for an **Independent Review Panel**.
- Informing parents/carers of relevant sources of information.
- Ensuring a pupil's name is removed from the school/academy **Admissions Register**, where appropriate.

## 2.5 The Principal is responsible for:

- Implementation of the policy in the school/academy, with oversight from the **CEO**.
- Providing information to the **Secretary of State** and **LA** about any suspensions/exclusions within the last 12 months.
- Arranging suitable full-time education for any pupil suspended on a fixed-term basis, from the sixth day.
- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions/exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension/exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the suspension/exclusion process, as outlined in the Trust's **Special Educational Needs and Disabilities (SEND) Policy**.
- Informing parents/carers of relevant sources of information.
- Ensuring a pupil's name is removed from the school/academy **Admissions Register**, where appropriate.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions/exclusions as a sanction, e.g. if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, eligible for Free School Meals (FSM), **CIC** and those from certain ethnic groups.
- Engaging effectively with parents/carers in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be excluded on disciplinary grounds. Withdrawing any suspensions that have not been reviewed by the **LGC** representatives, where appropriate.
- Ensuring any decision to suspend/exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the **Equality Act 2010** when deciding whether to suspend/exclude a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension.



- Making the decision to suspend/exclude based on the evidence available at the time, regardless of any **Police** investigation and/or criminal proceedings.
- Notifying a pupil's parents/carers without delay where the decision is taken to suspend the pupil, including the days on which the parents/carers must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents/carers is clear and easily understood.
- Notifying the **LGC**, **CEO** and **LA** of their decision to suspend/exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the **LGC** at least once per term of any suspensions, exceeding 5 days, not already notified.
- Notifying the **Link Governor** with responsibility for the oversight of Behaviour and Attendance of any pupils who are nearing thresholds.
- Organising suitable work for suspended pupils where alternative provision cannot be arranged.
- Ensuring all re-integration meetings following a suspension take place, are suitably documented with agreed outcomes.
- Promoting pro-active communication (e.g. in person meetings, where possible) with parents/carers and pupils following multiple suspensions and panel hearings, to ensure clear plans are in place to meet the needs of the pupil and to clarify expectations.
- If requested by parents/carers, appointing a SEND expert to attend the panel e.g. the **SENDCo**.
- Arranging for a **Clerk** from the **Governance Service** to clerk the suspension/exclusion review. If the **Governance Service** is unable to provide a **Clerk**, an appropriate person should be asked to clerk the review, supported by the **Governance Service**.

#### 2.6 The **Clerk** to the exclusions review panel is responsible for:

- Making reasonable efforts to inform the appropriate individuals that they are entitled to:
  - Make written representations to the panel.
  - Attend the hearing and make oral representations to the panel.
  - Be represented.
- Making reasonable efforts to circulate copies of relevant papers at least **five school days** before the review to all parties.
- Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel.

### 3. Grounds for Suspension or Exclusion

- 3.1 The school/academy will only suspend or exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the Trust **Behaviour Policy**, have failed to be successful.
- 3.2 The following examples (but not limited to) of behaviour may warrant the decision to suspend or exclude a pupil:

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

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

## 4. The Principal's Power to Suspend and Exclude

- 4.1 Only the **Principal** has the power to suspend or exclude a pupil from the school/academy, and is able to decide whether either a suspension or exclusion is appropriate. All suspensions and exclusions will only be issued on disciplinary grounds. The **Principal** is able to delegate authority to a member of the school/academy senior leadership team or central team in an event of their absence.
- 4.2 The **Principal** is able to suspend pupils where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day. The **Principal** is also able to consider a pupil's disruptive behaviour outside of the school/academy premises as grounds for suspension or exclusion, in accordance with the Trust's **Behaviour Policy**.
- 4.3 When sending a pupil home following any suspension or exclusion, the **Principal** will ensure that they exercise their duty of care at all times and will always inform the parents/carers.
- 4.4 Any decision made to suspend or exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the Trust's wider legal duties, including the **ECHR**. At all times, the **Principal** will take into account their legal duties under the **Equality Act 2010** and the '**Special educational needs and disability code of practice: 0 to 25 years**', ensuring that they do not discriminate on any grounds, e.g. race, sex, or disability, and will not increase the severity of a pupil's suspension or exclusion on these grounds.
- 4.5 The **Principal** will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.
- 4.6 The **Principal** may withdraw any suspension or exclusion that has already begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the **LGC**. Where a suspension or exclusion is withdrawn, the **Principal** will notify the pupil's parents/carers, the **LGC**, the **LA**, and, where relevant, the **Virtual School Head (VSH)** and the pupil's social worker. The **Principal** will offer the pupil's parents/carers the opportunity to meet with the **Principal** to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school without delay.

- 4.7 When a suspension or exclusion is cancelled, the **LGC**'s duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.
- 4.8 Any days spent out of the school/academy as a result of a suspension or exclusion prior to it being cancelled will count towards the maximum **45 school days** that a pupil can be suspended or excluded in an academic year. A permanent exclusion will not be cancelled if the pupil has already been suspended or excluded for more than **45 school days** in an academic year or if they will have been so by the time the cancellation takes effect.
- 4.9 The **Principal** will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the **LGC** at least once per term, to allow the **LGC** to have appropriate oversight.
- 4.10 All suspensions and exclusions will be formally recorded on the school/academy's pupil information system.

## 5. Factors to Consider When Suspending or Excluding a Pupil

- 5.1 When considering the suspension or exclusion of a pupil, the **Principal** will:
- Allow the pupil the opportunity to present their case once evidence has been collected
  - Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying
  - Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of **45 suspended days** per school year, and whether suspension is serving as an effective sanction
  - Take into consideration whether all alternative solutions have been explored pursuant to the school's Behaviour policy.
  - Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour
  - Consider what extra support may be available for vulnerable pupil groups whose suspension and exclusion rates are higher, to reduce their risk of suspension or exclusion, including the following:
    - Whether the pupil is **CIC**
    - Pupils eligible for FSM
    - Pupils with SEND and whether reasonable adjustments could be made or have been made
    - Certain ethnic groups
- 5.2 The **Principal** will consider avoiding excluding **CIC**, those with SEMH issues or pupils with an **EHC plan**. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the **Principal**, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities.

- 5.3 Where a pupil has an **EHC Plan** the **Principal** will consider whether to request an emergency review for a pupil with an **EHCP** at risk of suspension.
- 5.4 Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the Trust's **Behaviour Policy**. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered. In accordance with the **Equality Act 2010**, under no circumstances will a pupil with identified SEND or SEMH issues be suspended or excluded before the graduated response process has been completed.
- 5.5 Where a pupil with SEND or SEMH issues is excluded because of a SEND- or SEMH-related need that could not be met at the school/academy, detailed records will be kept highlighting that these pupils are closely tracked and showing that the school/academy has a close relationship with the pupil's next destination.
- 5.6 The **Principal** will work in conjunction with the parents/carers of any pupil with additional needs to establish the most effective support mechanisms.

#### **Off-Rolling and Unlawful Exclusions**

- 5.7 The school/academy will ensure that all suspensions and permanent exclusions are carried out in accordance with relevant legislation and statutory guidance.
- 5.8 The school/academy will not use informal or unofficial exclusions. Where a pupil is required to leave the school/academy site or is prohibited from attending school on disciplinary grounds, this will only take place through a formal suspension or permanent exclusion process. This includes suspensions of part of a school day.
- 5.9 All suspensions and permanent exclusions will be formally recorded and communicated to parents in writing.
- 5.10 The school/academy will not suspend or permanently exclude a pupil for unlawful reasons, including because:
- the pupil has SEND that the school/academy considers difficult to support
  - of the pupil's academic attainment or ability
  - a parent/carers or pupil has not complied with a condition that is not lawfully required for reinstatement following a suspension
  - a parent/carers or pupil refuses to agree to a managed move
- 5.11 The school/academy will not engage in practices that could constitute off-rolling. Off-rolling occurs when a pupil is removed from the school/academy roll, or encouraged to leave the school/academy, without following the appropriate legal processes and where this is primarily in the interests of the school/academy rather than the pupil.
- 5.12 Examples of practices that the school/academy will not use include:

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

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

## 6. Separation of Pupils for Safeguarding Purposes

- 6.1 In exceptional circumstances, the school/academy may temporarily prevent a pupil from attending the school/academy site for safeguarding reasons. This may be necessary where allegations or concerns relating to the safety or welfare of pupils require one or more pupils to be separated while risks are assessed and managed.
- 6.2 Any decision to temporarily prevent a pupil from attending the school/academy site for safeguarding reasons will not be treated as a suspension or permanent exclusion and will not be recorded as such.
- 6.3 Such decisions will be made on a case-by-case basis, led by the **DSL** or a **Deputy DSL**, and informed by professional judgement, relevant safeguarding guidance and, where appropriate, advice from external agencies such as **Children's Social Care** or the **Police**.
- 6.4 The school/academy will inform parents/carers of the reasons for the arrangement as soon as reasonably practicable and will notify the **LGC** without delay. The **LGC** will ensure that this measure is used only in exceptional circumstances where separation is necessary and cannot reasonably be achieved while allowing all pupils to remain on the school/academy site.
- 6.5 In making any decision to separate pupils for safeguarding purposes, the school/academy will have regard to its duties under safeguarding legislation and guidance, including **Keeping Children Safe in Education (as amended)**, the **Human Rights Act 1998** and the **Equality Act 2010**.
- 6.6 Where a pupil is unable to attend the school/academy site for safeguarding reasons, the school/academy will work with the **LA**, parents/carers and other relevant agencies to ensure that suitable education is arranged in accordance with statutory requirements.

## 7. Alternative Measures

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

### **Off-Site Direction**

- 7.2 As of 26 July 2026, academies and **Pupil Referral Units (PRUs)** are subject to the same procedural requirements for off-site direction as maintained schools.
- 7.3 The school/academy will consider the use of off-site direction where interventions and targeted support have not been successful in improving a pupil's behaviour. Off-site direction will be used to arrange a time-limited placement at alternative provision or another mainstream school, with the aim of supporting behavioural improvement and successful reintegration.
- 7.4 Where a pupil attends another school/academy under an off-site direction arrangement, the school/academy will ensure that attendance is recorded in accordance with statutory requirements, including the use of the appropriate attendance code.
- 7.5 Where appropriate, the school/academy will prioritise in-school interventions and targeted support, including support from alternative provision providers, to meet a pupil's individual behavioural, educational or SEND needs before considering an off-site placement.
- 7.6 Off-site direction may be arranged on a full-time basis or as part of a blended provision combining attendance at alternative provision with continued attendance at the school/academy. Before any placement begins, the school/academy will agree a proposed maximum duration and will consider future options, including reintegration arrangements or, where appropriate, a managed move following review of the placement.
- 7.7 The **LGC** will comply with all relevant legislation and statutory guidance relating to off-site direction and alternative provision arrangements.
- 7.8 The **LGC** will ensure that all off-site direction arrangements have clear objectives, specified timescales and appropriate monitoring arrangements. Parents/carers and, where applicable, the **LA** for pupils with an **EHC Plan**, will be notified in writing of the placement as soon as reasonably practicable and no later than two school days before the placement begins.
- 7.9 Written notification will include:
- The address where the educational provision will be delivered.
  - The name of the person to whom the pupil will report on first attendance.
  - The duration of the placement.
  - The reasons for, and objectives of, imposing the requirement.
  - Details of the daily timetable, including session times and breaks where applicable.
- 7.10 Parents/carers and, where applicable, the **LA** for pupils with an **EHC Plan**, will be entitled to request a review meeting in writing. The **LGC** will arrange such a meeting as soon as reasonably practicable unless a review has already taken place within the previous ten weeks.
- 7.11 The **LGC** will keep the placement and reintegration arrangements under regular review for the duration of the off-site direction. Review meetings will take place at intervals determined by the needs of the

pupil. Written invitations to attend review meetings, or to submit written views, will be issued to parents/carers and, where applicable, the **LA** at least six days before the meeting. The school/academy will seek to arrange review meetings at a date and time that is reasonably convenient for those invited to attend.

- 7.12 Following each review meeting, the **LGC** will determine whether the placement should continue and, if so, for how long. Review arrangements, including the date of the next review and the individuals who should be involved, will be agreed and recorded.
- 7.13 Review meetings may involve the pupil, parents/carers, school staff and relevant agencies, including **Social Workers, Child and Adolescent Mental Health Services (CAMHS), Multi-Agency Safeguarding Hubs (MASH), Youth Justice** Teams and the **LA**, where appropriate. The school/academy will maintain written records of all reviews and ensure that reviews take place frequently enough to assess whether the placement is achieving its intended outcomes.
- 7.14 The **LGC** will notify parents/carers, in writing of its decision following each review meeting, including whether the placement will continue, the duration of any continuation and the reasons for the decision. This notification will be issued no later than six days after the review meeting.
- 7.15 Throughout any period of off-site direction, the school/academy will seek to ensure that the pupil continues to receive a broad and balanced curriculum while interventions are delivered to address behavioural concerns. Where a pupil has a disability or special educational needs, the school/academy will continue to fulfil its duties under the **Equality Act 2010** and the **Children and Families Act 2014**, including making reasonable adjustments and providing appropriate support.
- 7.16 The duration of any off-site placement will be determined by the individual needs of the pupil and the extent to which the placement supports positive behavioural outcomes.
- 7.17 Before any off-site direction begins, the school/academy and the receiving school/academy will ensure that all relevant information is shared, including attainment information, assessment data, risk assessments, safeguarding information and effective support strategies. The **LA** will also be involved, where appropriate.
- 7.18 The school/academy will ensure it can demonstrate that appropriate early intervention and support have been implemented before an off-site direction is arranged. This may include multi-agency involvement, targeted interventions and relevant statutory assessments. Effective information sharing between the school/academy, the receiving school/academy and other relevant agencies will take place before the placement begins to ensure that the pupil's welfare, safety and educational needs are fully supported.

#### **Managed Moves**

- 7.19 Where it is thought to be in a pupil's best interest to transfer them to another mainstream school/academy permanently, the **Principal** and **LGC** will discuss this with the parents/carers of the pupil, and the **LA** if the pupil has an **EHF plan**. Managed moves will only go ahead with the voluntary

agreement of all parties involved, including the parents/carers and the admission authority of the new school/academy.

- 7.20 A managed move is a permanent transfer to another mainstream school/academy as part of a planned intervention and will only be used where it is considered to be in the pupil's best interests.
- 7.21 The school/academy will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. This may include evidence of multi-agency support and any relevant statutory assessments where appropriate.
- 7.22 The school/academy will participate in information sharing with the pupil's new school/academy, including sending data on prior and current attainment, academic potential and any risk management strategies. Information sharing will also include safeguarding information, current **Risk Assessments** and advice on effective ongoing risk management and pupil support strategies where appropriate.
- 7.23 The school/academy will also cooperate with the pupil's new school/academy to create an effective integration strategy.
- 7.24 Where a pupil has an **EHC plan**, the school/academy will liaise with the **LA** before a managed move is agreed and will follow the relevant statutory procedures for amending the plan where required.
- 7.25 The school/academy will not use trial managed moves. Where a temporary placement at another school/academy is required to support a pupil's behaviour, this will be arranged through off-site direction.
- 7.26 Parents/carers who have concerns that a managed move is being forced on them or who are unhappy with a managed move will be referred to the Trust's **Complaints Policy and Procedure**.
- 7.27 The school/academy will not permanently exclude a pupil because a parent/carer or pupil refuses to agree to a managed move.

## **8. Duty to Inform Parents/Carers**

- 8.1 Following the **Principal's** decision to suspend or exclude a pupil, they will immediately inform the parents/carers, in person or by telephone, supported by a letter, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.
- 8.2 The **Principal** will inform the parents/carers in writing of the following:
- The reasons for the suspension or exclusion
  - The length of the suspension or permanency of the exclusion
  - Their right to raise any representations about the suspension or exclusion to the **LGC**, including how the pupil will be involved in this and how the representations will be made
  - Their right to make a request to hold the meeting via remote access, where necessary



- Their right to attend a meeting where there is a legal requirement for the **LGC** to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to the school/academy
- Any relevant sources of free, impartial information which may assist the pupil or their family during the period of suspension or exclusion

8.3 The **Principal** will inform the parents/carers by the end of the day that for the first five days of the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), parents/carers are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents/carers may receive a penalty fine if they fail to do so.

## 9. Duty to Inform the LGC, LA & Trust

- 9.1 The **Principal** will inform the **LA**, **LGC** and the **CEO** without delay, of the following:
- Any permanent exclusion
  - Any suspension which would result in the pupil being suspended for more than **5 school days** in a term (For pupils accessing less than ten sessions a week, the suspension should be calculated based on calendar days)
  - Any suspensions or exclusions which would result in the pupil being absent from an examination or national curriculum test

## 10. Duty to Inform Social Workers

- 10.1 When a pupil has been suspended or excluded, the **Principal** will, without delay, notify the pupil's **Social Worker**, if they have one. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.
- 10.2 Social workers will also be informed when a meeting of the **LGC** is taking place, and will be invited to attend the meeting should they wish to do so.

## 11. Arranging Education for Suspended and Excluded Pupils

- 11.1 The school/academy will arrange alternative provision in accordance with the **Exclusions Code**. With this in mind, the school/academy will arrange suitable full-time education for the pupil which will begin no later than the **sixth day** of suspension.
- 11.2 Where a pupil receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the **sixth day** of suspension. For exclusions, full-time education will be provided for the pupil from the sixth day of exclusion.

## 12. Considering Suspensions and Exclusions

- 12.1 The **LGC** will consider any representations made by parents/carers regarding suspensions and exclusions.
- 12.2 Parents/carers and, where requested, a friend or representative, the **Principal**, and a member of the **LA** will be invited to attend any consideration of suspensions and exclusions and will be able to make representations.
- 12.3 Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits. Parents/carers will be able to request that the meeting is held via remote access.

## 13. Reaching a Decision

- 13.1 After considering suspensions and exclusions, the **LGC** will either:
- Decline to reinstate the pupil
  - Direct the reinstatement of the pupil immediately, or on a specified date
- 13.2 If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a suspension or the parents/carers make clear they do not want their child reinstated, the **LGC** will still consider whether the pupil should be officially reinstated, and whether the **Principal's** decision to suspend or exclude the pupil was fair, lawful and proportionate, based on the evidence presented.
- 13.3 The **LGC** will apply the civil standard of proof when responding to the acts relating to a suspension or exclusion, i.e. that on the 'balance of probabilities' it is more likely than not that the facts are true.
- 13.4 To reach a decision, the **LGC** will:
- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views
  - Ensure that minutes are taken of the meeting as a record of the evidence that was considered
  - Ask all parties to withdraw from the meeting before concluding their decision
  - Consider whether the suspension or exclusion of the pupil was lawful, proportionate and fair, taking into account the **Principal's** legal duties and any evidence that was presented to the **LGC** in relation to the decision
  - Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months
  - Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the pupil
- 13.5 This can be delegated to a sub-committee of at least three **LGC** members from across the Trust. This may be delegated to the **Chair of the LGC** where permitted by the **Exclusions Code**.

## 14. Notification of Considered Suspensions and Exclusions

- 14.1 The **LGC** will notify the parents/carers of the suspended or excluded pupil, the **Principal**, and the **LA** of their decision following the consideration of a suspension or exclusion, in writing and without delay.
- 14.2 In the case of exclusion, where the **LGC** decides not to reinstate the pupil, they will notify the parents/carers:
- That the exclusion is permanent
  - Of their right for it to be reviewed by an **Independent Review Panel**
  - Of the date by which an application for review must be made
  - Of the name and address of whom the review application should be submitted to
  - That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion
  - That, regardless of whether a pupil has been identified as having SEND, the parents/carers have a right to require the **LGC** to ensure a SEND expert attends the review
  - Of the role of the SEND expert that will attend the review
  - That they are required to make it clear if they wish for a SEND expert to attend the review
  - That they may appoint someone at their own expense to make representations to the panel
- 14.3 The **LGC** will also notify parents/carers that, if they believe a suspension or exclusion has been issued as a result of discrimination, then they are required to make a claim under the **Equality Act 2010** to the **First-tier Tribunal (SEND)**, and that this should be within six months of when the discrimination allegedly took place.
- 14.4 After any conclusion, the **LGC** will notify the parents/carers, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

## 15. Removing Excluded Pupils from the School Register

- 15.1 The **Principal** will remove pupils from the school register if:
- **15 school days** have passed since the parents/carers were notified of the **LGC's** decision not to reinstate the pupil and no application for an independent panel review has been received
  - The parents/carers have stated in writing that they will not be applying for an independent panel review following an exclusion
- 15.2 If an application for an independent panel review has been made within **15 school days**, the **Principal** will wait until the review has been determined, or abandoned, and until the **LGC** has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.
- 15.3 If a pupil's name is to be removed from the register, the **Principal** will make a return to the **LA**, which will include:
- All the particulars which were entered in the register

- The address of any parent with whom the pupil normally resides
- The grounds upon which the pupil's name is to be removed from the register

- 15.4 Any return to the **LA** will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.
- 15.5 If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the **First-tier Tribunal (SEND)** or **County Court**.
- 15.6 Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:
- Code B: Education off-site
  - Code D: Dual registration
  - Code E: Absent and not attending alternative provision

## 16. Independent Review Panel

- 16.1 The **Trust Board** will review the **LGC** representative's decision not to reinstate a permanently excluded pupil if the parents/carers submit their application for this within the required time frame.
- 16.2 The **Trust Board** is responsible for establishing an **Independent Review Panel**. The **Trust Board** will constitute an **Independent Review Panel** of three or five members that represent the following categories:
- A lay member to chair the panel. This individual will not have worked in any school/academy in a paid capacity
  - A current or former school governor who has served for at least 12 consecutive months in the last 5 years
  - A **Principal** or individual who has been a **Principal** within the last 5 years
- 16.3 In line with the exclusions statutory guidance, Parents/carers are required to submit their applications within:
- 15 school days of the **LGC** representatives' notification of their decision
  - 15 school days of the final determination of a discriminatory claim made under the **Equality Act 2010**

## 17. Appointing a Clerk

- 17.1 The Trust will appoint a clerk to the **Independent Review Panel**, or to make alternative arrangements to administer the panel.

## 18. The Duties of the Independent Review Panel

- 18.1 The role of the panel is to review the **LGC**'s decision not to reinstate an excluded pupil. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.
- 18.2 Following the review, the panel will do one of the following:
- Uphold the decision
  - Recommend that the **LGC** reconsiders reinstatement
  - Quash the decision and direct that the **LGC** reconsiders reinstatement
- 18.3 The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents/carers, **LGC** and **Principal**.

## 19. Reconsidering Reinstatement Following a Review

- 19.1 Where the **Independent Review Panel** instructs the **LGC** to reconsider their decision not to reinstate a pupil, they will do so within **10 school days** of being given notice of the review panel's decision.
- 19.2 The school/academy is aware that if, following an instruction to reconsider, the **LGC** does not offer to reinstate the pupil, then the school/academy will be required to make a payment directly to the **LA** area in which the school/academy is located.

## 20. Criminal Investigations

- 20.1 The **Principal** will not postpone taking a decision to suspend or exclude a pupil due to a **Police** investigation being underway, or any criminal proceedings that are in place.
- 20.2 Particular consideration will be given by the **Principal** when deciding to suspend or exclude a pupil where evidence is limited by a **Police** investigation, to ensure that any decision made is fair and reasonable.
- 20.3 If the **LGC** is required to consider the **Principal**'s decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

## 21. Using Data

- 21.1 The **Principal** will ensure that all data regarding suspensions and exclusions is collected and provided to the **LGC** on a regular basis. The **LGC** will review this data regularly in order to:
- Consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure that this is only being used as a last resort
  - Determine whether there are any patterns of suspensions and exclusions

- Consider the effectiveness and consistency in implementing the **Behaviour Policy**
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary
- Gather information on where pupils are receiving repeat suspensions
- Evaluate interventions in place to support pupils at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working

## **22. Monitoring and Review**

- 22.1 The approver of this policy and the next scheduled review date is shown on the cover page of this document.