THE PREMIER ACADEMY

SUSPENSION & EXCLUSION POLICY – SEPTEMBER 2026

Introduction

At The Premier Academy we understand that good behaviour and discipline is essential for promoting a high quality of education. Amongst other disciplinary sanctions, the Academy recognises that suspension and exclusion of children may be necessary where there has been a serious breach, or consistent breaches, of the Academy's Behaviour Policy. Suspending or excluding a child may also be required in instances where allowing the child to remain in school would be damaging to the education and welfare of themselves and/or others; suspensions may sometimes be necessary but that permanent exclusions must remain strictly a means of last resort.

The Academy has created this Policy to clearly define the legal responsibilities of the Academy and Governing Body when responding to child 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 child's right to an education despite having been excluded, by ensuring that appropriate arrangements are in place.

A **"suspension"** is defined as the temporary removal of a child from the Academy for behaviour management purposes. A child 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 child from the Academy, in response to a serious breach or persistent breaches of the Academy's Behaviour Policy, and where allowing the child to remain in school would seriously harm the education or welfare of the children or staff in school.

Legal Framework

This Policy has due regard to the statutory 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 Childs) (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)

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

- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'.
- DfE (2024) 'Behaviour in Schools'

- DfE (2026) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'

This Policy will be implemented in conjunction with the following Academy policies:
- Behaviour Policy
- Anti-bullying Policy
- SEND Policy
- SEMH Policy
- Low-Level Safeguarding Concerns Policy
- Child Protection Policy
- Child-on-Child Abuse Policy
- Complaints Policy.

Roles and Responsibilities

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 Looked After Children (LAC).
- Arranging suitable full-time education for any child of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing children's needs in consultation with their parents/carers where they have an Educational Health Care Plan (EHCP) and are excluded permanently, with a view to identifying a new placement.
- Arranging for an independent review panel hearing to review the decision of the Governing Body not to reinstate a permanently excluded child 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 review panel consists of three or five members as appropriate, which represent the required categories.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

The Trust is responsible for:
- Arranging for an independent review panel hearing to review the decision of the Governing Body not to reinstate a permanently excluded child where required.
- Arranging for the independent review panel hearing to be held via remote access where requested by parents/carers.

The Governing Body is responsible for:
- Providing information to the Secretary of State and LA about any suspensions and exclusions within the last 12 months.
- Arranging suitable full-time education for any child of compulsory school age who is suspended.
- Considering parents'/carers' representations about suspensions and exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where a suspension or exclusion would result in a child missing a public examination or test, considering the suspension or exclusion before this date.

- Considering whether it would be appropriate for a child to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Arranging for the representation meeting to take place via remote access where requested by parents/carers.
- Adhering to its responsibilities to consider the reinstatement of children.
- Considering the interests and circumstances of the suspended or excluded child, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the 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 or exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the child's education record, along with copies of relevant papers for future reference.
- Notifying the child's parents/carers, the headteacher and LA of its decision and the reasons for it, without delay.
- *(This is not statutory. Where not appointed, the responsibilities should be assumed by the LA).* Appointing a clerk to provide advice to the relevant panel and parties to the review on procedure, law and statutory guidance on suspensions and exclusions.
- Where appropriate, informing parents/carers of where to apply for an independent review panel.
- Informing parents/carers of relevant sources of information.
- Ensuring a child's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a child where directed to do so by the suspensions and exclusions review panel.
- Using data to evaluate the Academy's practices regarding intervention, suspension and exclusion.

(This is not statutory. Where not appointed, the responsibilities should be assumed by the LA).
The clerk to the suspensions and exclusions review panel is responsible for:

- Informing 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.
- Circulating 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 within the timeframe of the policy.

The CEO is responsible for:

- Implementing good levels of discipline to ensure that all children can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.
- Complying with their statutory duties in relation to children with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a child has suffered bereavement, experienced bullying or has a mental health issue.

- Considering the use of a multi-agency assessment for a child who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g. if a child 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 children, particularly those with SEND, those eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents/carers in supporting the behaviour of children with additional needs.
- Determining whether a child will be suspended or excluded on disciplinary grounds.
- Adhering to their responsibilities when cancelling an exclusion before the Governing Body has met to consider whether the child should be reinstated. Withdrawing any suspensions or exclusions that have not been reviewed by the Governing Body, where appropriate.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a child.
- Ensuring they have considered their legal duty of care when sending a child home following a suspension or exclusion.
- Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying parents/carers without delay where the decision is taken to suspend or exclude the child, including the days on which the parents must ensure the child 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 governor responsible and LA of their decision to exclude a child where appropriate, as well as the child's home authority if required.
- Notifying the Governing Body once per term of any exclusions in the CEO's report to governors.
- Organising suitable work for excluded children where alternative provision cannot be arranged.

Grounds For Suspension or Exclusion

The Academy will only suspend or exclude a child where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the Academy's Behaviour Policy, have failed to be successful.

The following examples of behaviour may underline the Academy's decision to suspend or exclude a child:

- Physical assault against a child
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a child
- 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

Children can be suspended on a fixed-period basis, i.e. for up to 45 school days within a year, or permanently excluded. Similarly, children can be permanently excluded following a suspension,

where further evidence is presented. In all cases, the CEO will decide whether a child will be subject to a suspension or an exclusion, depending on what the circumstances warrant.

The CEO's Power to Suspend and Exclude

Only the CEO has the power to suspend or exclude a child from the Academy and is able to decide whether a fixed-period suspension or permanent exclusion is appropriate. All suspensions and exclusions will only be issued on disciplinary grounds.

The CEO can suspend children where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day. The CEO is also able to consider a child's disruptive behaviour outside of the school premises as grounds for suspension or exclusion, in accordance with the Academy's Behaviour Policy.

When sending a child home following any suspension or exclusion, the CEO will ensure that they always exercise their duty of care and will always inform the parents/carers.

Any decision made to suspend or exclude a child will be lawful, proportionate, and fair, with respect to legislation relating directly to exclusions and the Academy's wider legal duties, including the ECHR. At all times, the CEO 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 child's suspension or exclusion on these grounds.

The CEO will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The CEO may cancel any suspension or exclusion that has already begun, or one that has not yet begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the Governing Body.

Note: The headteacher's duties in relation to notification and the duty to allow a child back into school have been made statutory. Where a suspension or exclusion is cancelled, the CEO will notify the child's parents/carers, the Governing Body, the LA, and, where relevant, the Virtual School Head (VSH) and the child's social worker. The notification will also provide the reason for the cancellation. The CEO will offer the child's parents/carers the opportunity to meet with the CEO to discuss the circumstances that led to the cancellation of the exclusion, and the child will be allowed back into school without delay.

When a suspension or exclusion is cancelled, the Governing Body's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement. Any days spent out of school as a result of a suspension or exclusion prior to it being cancelled will count towards the maximum 45 school days that a child can be suspended or excluded in an academic year. A permanent exclusion will not be cancelled if the child 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.

The CEO will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the Governing Body once per term, to allow the Governing Body to have appropriate oversight.

The CEO will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g. sending a child home to 'cool-off', regardless of whether or not the parents/carers have agreed to this.

All suspensions and exclusions will be formally recorded on the Academy's information system.

Factors to Consider

When considering the suspension or exclusion of a child, the CEO will:

- Allow the child the opportunity to present their case once evidence has been collected, where appropriate.
- Take into account any contributing factors that are identified after a case of unacceptable behaviour has occurred, e.g. if the child's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the child has received multiple suspensions or is approaching the legal limit of 45 suspended days per academic year, and whether suspension is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess children who demonstrate consistently unacceptable behaviour.

The CEO will consider what extra support may be available for vulnerable groups whose suspension and exclusion rates are higher, in order to reduce their risk of exclusion, including the following:

- LAC
- Children eligible for FSM
- Children with SEND
- Certain ethnic groups.

The CEO will consider avoiding excluding LAC, those with SEMH issues or children with an EHC plan. Where any member of staff has concerns about vulnerable groups and their behaviour, they will report this to the CEO, 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. The full assessment procedures are outlined in the Academy's Social, Emotional and Mental Health (SEMH) Policy.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the Academy's Behaviour Policy. If the child continues to endanger the physical or emotional wellbeing of other children and/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 child with identified SEND or SEMH issues be suspended or excluded before the graduated response process has been completed.

Where a child with SEND or SEMH issues is excluded because of a SEND- or SEMH-related need that could not be met at school, detailed records will be kept highlighting that these children are closely tracked and showing that the Academy has a close relationship with the child's next destination.

The CEO will work in conjunction with the parents/carers of any child with additional needs to establish the most effective support mechanisms.

Preventative Measures

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

Separation of Children for Safeguarding Purposes

The Academy notes that the law permits temporarily forbidding a child from attending the premises for safeguarding reasons. Staff must ensure that they inform parents/carers, involve the Designated Safeguarding Lead and notify the Governing Body without delay when separating children.

Off-site Direction

The board of trustees may use their general powers to arrange for any registered child to attend at any place outside the school premises for the purpose of receiving educational provision intended to improve their behaviour.

The Academy will ensure that staff seek the views of the child before making decisions about off-site directions or managed moves.

The Governing Body and the CEO will decide, in communication with the child and their parents/carers, whether off-site direction is an appropriate solution to manage a child's behaviour and avoid suspension or exclusion. Where all parties agree to this course of action, the Academy will work with the child and their parents/carers to discuss and agree a plan for the off-site direction, including a proposed maximum period of time that the child will be at the alternative provision and any alternative options that will be considered once the time limit has been reached, e.g. managed moves.

The Governing Body will notify parents/carers, and the LA if the child has an EHC plan, in writing with information about the placement no later than two school days before the relevant day.

The Academy will keep any off-site placements under review by holding review meetings at intervals deemed appropriate by the Governing Body; the Governing Body will ensure, where possible, that review meetings are convened at a time suitable for the child's parents/carers, and will invite parents/carers in writing to each review meeting no later than six days before that date. Where parents/carers request, in writing, that the Governing Body hold a review meeting, the Governing Body will arrange review meetings in response, as soon as is reasonably practicable, unless there has been a review meeting in the previous 10 weeks.

The Governing Body will decide at each review meeting whether the arrangement will continue and for what period of time; the meeting will also decide arrangements for further reviews. Reviews will be recorded in writing, including any decisions made regarding the placement.

Managed Moves

Where it is thought to be in a child's best interest to transfer them to another mainstream school permanently, the CEO and Governing Body will discuss this with the parents/carers of the child, and the LA if the child has an EHC plan – managed movies will only go ahead with the voluntary agreement of all parties involved, including the parents and the admission authority of the new school.

The Academy recognises that trial managed moves are unlawful and will not be used. Staff must ensure that they notify the social worker of any child who has a social worker at the point that a managed move is contemplated rather than after a decision is made.

The 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. The Academy will participate in information sharing with the child's new school, including sending data on prior and current attainment, academic potential and any risk management strategies. The Academy will also cooperate with the child's new school to create an effective integration strategy.

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 Complaints Policy and Procedure.

Duty to Inform Parents/Carers

Following the CEO's decision to suspend or exclude a child, they will immediately inform the parents/carers, in person or by telephone, supported by written communication, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.

The CEO will inform the parents/carers in writing of the following:

- The reason(s) for the suspension or exclusion
- The length of the suspension or permanency of the exclusion
- Their right to make representations about the suspension or exclusion to the Governing Body, including how the child may be involved in this and how the representations will be made
- Their right to make a request to hold the meeting via remote access and how this request can be made
- Their right to attend a meeting where there is a legal requirement for the Governing Body to consider the suspension or exclusion, and the fact that they can bring an accompanying individual
- The arrangements that have been made for the child to continue their education prior to the organisation of any alternative provision, or the child's return to the Academy
- Relevant sources of free, impartial information.

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

Where the CEO has arranged alternative provision, they will also inform the parents/carers of the following:

- The start and end date and times for any provision of full-time education
- The address at which the provision will take place
- Any information necessary for the child to identify the person they should report to on the starting date.

Where the CEO is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without delay, and within 48 hours of the child beginning the provision.

If the alternative provision is due to begin before the sixth day of exclusion, the CEO can give less than 48 hours of notice, with parental consent.

If the CEO has decided to exclude the child for a further fixed period following their original exclusion, or to permanently exclude them, they will notify the parents without delay and issue a new exclusion notice to parents.

Duty to Inform the Governing Body and LA

The CEO will inform the Governing Body and LA, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the child)
- Any suspensions which would result in the child being excluded for more than five Academy days in a term (or more than 10 lunchtimes)
- Any suspensions or exclusions which would result in the child being absent from an examination or national curriculum test.

For any suspensions or exclusions, other than those above, the CEO will notify the Governing Body and LA once per term. All notifications to the Governing Body and LA will include the reasons for suspension or exclusion and the duration of any suspension.

The CEO will inform the LA of all suspensions or exclusions, regardless of their length, without delay.

All notifications to the Governing Body and LA will include the reasons for suspension or exclusion and the duration of any suspension.

If the child who is suspended or excluded lives outside the LA in which the Academy is located, the CEO will also notify the child's 'home authority'.

Duty to Inform Social Workers and the Virtual School Head (VSH)

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

Social workers and/or the VSH will also be informed when a meeting of the Governing Body is taking place, and will be invited to attend the meeting should they wish to do so. Social workers who attend these meetings can actively act as a voice for the child.

Social workers and VSHs will be allowed to join a governing board meeting or independent review panel via the use of remote access, as long as the arranging authority is satisfied they will be able to participate effectively, they can hear and be heard throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent.

Arranging Education for Suspended and Excluded Children

For any suspensions of more than five school days, the Governing Body will arrange suitable full-time education for the child, which will begin no later than the sixth day of suspension. Where a child 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 child from the sixth day of exclusion.

The Governing Body is aware that it is beneficial to suspended and excluded children to begin their alternative education arrangements before the sixth day of suspension or exclusion; therefore, the Governing Body will always attempt to arrange alternative provision before the sixth day. Where it is not possible to arrange alternative provision during the first five days, the Academy will ensure that they take reasonable steps to set and mark work for the child.

If a child with SEND and/or an EHC plan has been suspended or excluded, the Governing Body will ensure that:

- Any alternative provision is arranged in consultation with the parents/carers, who are able to request preferences.
- When identifying alternative provision, any EHC plan is reviewed or the child's needs are reassessed, also in consultation with the parents/carers.

Re-integration Meeting

A re-integration meeting will be held with the child, parents and a member of senior staff as appropriate following a period of suspension.

Considering Exclusions

The Governing Body will consider any representations made by parents/carers about a suspension or exclusion.

Parents and, where requested, a friend or representative, the CEO, and a member of the LA will be invited to attend any consideration of suspensions and exclusions and will be able to make representations. Any meeting to consider reinstatement of a child will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

Where it is appropriate to the child's age and level of understanding, the child will also attend any consideration meeting, and will be enabled to make a representation on their own behalf if they desire to do so.

The Governing Body will consider representations made by parents/carers where:
- The exclusion is permanent.
- The suspension is fixed-period and would bring the child's total number of excluded Academy days to more than 15 in any given term.
- The suspension or exclusion would result in the child missing a public examination.

In the case of a suspension where the child's total number of suspended days is more than 5 but less than 16 school days (this includes suspensions that exceed 15 school days by less than a whole day, e.g. one that totals 15.5 days) within a term, if parents/carers make representations, the Governing Body will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents/carers, the Governing Body will consider the reinstatement on their own.

Where a suspension will take a child's total number of school days out of school above 5 but less than 15 for the term, and parents/carers have not requested a Governing Body meeting, the Governing Body will not be required to consider the child's reinstatement but it will have the power to do so if it deems it appropriate.

Where a suspension will not bring a child's total number of days of suspension or permanent exclusion to more than five days in a term, the Governing Body will consider all representations made by parents/carers; however, the board cannot direct the reinstatement of the child and it is not required to arrange a meeting with parents/carers.

Where suspension or exclusion would result in a child missing a public examination, the Governing Body will consider the suspension or exclusion before the test to decide whether the child should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of governors to consider the decision before the examination, a smaller sub-committee will consider the suspension or exclusion and decide whether or not to reinstate the child.

Considering the above, the Governing Body will also consider whether it would be appropriate to allow the suspended or excluded child to enter the premises to take the examination.

When considering the reinstatement of a child, the Governing Body will:
- Only discuss the suspension or exclusion with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow children and parents to be accompanied by a person of their choice to the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- Identify the steps needed to enable and encourage the suspended or excluded child to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the child, including the grounds for suspension or exclusion.

Reaching a Decision

After considering suspensions and exclusions, the Governing Body will either:
- Decline to reinstate the child.
- Direct the reinstatement of the child immediately, or on a specified date.

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

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

To reach a decision, the Governing Body will:
- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the suspension or exclusion of the child was lawful, proportionate and fair, taking into account the CEO's legal duties and any evidence that was presented to the Governing Body in relation to the decision.
- Record the outcome of the decision on the child's educational records, along with copies, which will be kept for at least six months.
- If applicable, inform the LA of the outcome.
- Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the child.

Notification of Considered Suspensions and Exclusions

Where legally required to consider reinstating a child, the Governing Body will notify the parents/carers of the suspended or excluded child, the CEO, and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay.

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

The Governing Body 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.

After any conclusion, the Governing Body will notify the parents/carers, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

Removal From Roll

The CEO will remove children from the school register if:

- 15 school days have passed since the parents/carers were notified of the Governing Body's decision not to reinstate the child 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.

If an application for an independent panel review has been made within 15 school days, the CEO will wait until the review has been determined, or abandoned, and until the Governing Body has completed any reconsideration that the panel recommended or directed it to carry out, before removing the child from the school register.

If a child's name is to be removed from the register, the CEO 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 child normally resides.
- The grounds upon which the child's name is to be removed from the register.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the child's name was removed.

If a child's name has been removed from the register and a discrimination claim is made, the child may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court. Whilst a child's name remains on the admissions register, the appropriate code will be used to mark the child's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

Independent Review Panel

In relation to independent review panels, in academies the role of the LA in this section should be conducted by the Academy Trust.

The LA will review the Governing Body's decision not to reinstate an excluded child if the parents/carers submit their application for this within the required time frame.

The LA 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 in a paid capacity
- A current or former school governor who has served for at least 12 consecutive months in the last 5 years
- A headteacher or individual who has been a headteacher within the last 5 years

Parents are required to submit their applications within:

- 15 school days of the Governing Body's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of the above timeframe will not be reviewed. Parents/carers are able to request an independent panel review even if they did not make a case to, or attend, the Governing Body's initial consideration of the exclusion.

Parents/carers can request that independent review panels take place via remote access.

The LA and Academy will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance.

Appointing a SEND Expert

Parents/carers have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

The SEN expert must be a professional with first-hand, up-to-date experience of the assessment and support of SEN, as well as an understanding of the legal requirements on schools in relation to SEN and disability.

SEN experts must be impartial. The SEN expert can be employed by another Local Authority or Academy Trust but they must not have had any previous involvement in the assessment or support of SEN for the excluded child, or siblings of the excluded child. The purpose of this is to avoid a conflict of interest.

The appointment of an SEN expert is for the Local Authority / Academy Trust to make, but it should take reasonable steps to ensure that parents/carers have confidence in the impartiality and capability of the SEN expert.

The SEN expert's role is to provide impartial advice to the Panel on how SEN might be relevant to the exclusion. The SEN expert's advice will be based on the evidence provided to the panel. The SEN expert's role does not include making an assessment of the child's SEN.

Where the Academy does not recognise that a child has SEN, the SEN expert should advise the Panel on whether they believe that the Academy acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEN that the child may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

Duties of the Independent Review Panel

The role of the Panel is to review the Governing Body's decision not to reinstate an excluded child. In reviewing the decision, the Panel will consider the interests and circumstances of the excluded child, including the circumstances in which the child was excluded, and have regard to the interests of other children and people working at the Academy. The Panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

Following the review, the Panel will do one of the following:

- Uphold the decision
- Recommend that the Governing Body reconsiders reinstatement
- Quash the decision and direct that the Governing Body reconsiders reinstatement

The Panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the child, parents/carers, Governing Body, CEO and LA.

Conducting Governing Body Meetings or Independent Review Panels via Remote Access

Parents/carers will be able to request that Governing Body meetings or independent review panels are held via remote access; however, parents/carers will be made aware that this is not the default option.

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

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

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

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

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

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

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

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

Where a suspension or exclusion began before 1 September 2024 and a Governing Body meeting has not yet been held, the CEO will notify the parent/carer, either on 1 September or as soon as possible afterwards, that they can ask the Governing Body to hold the meeting via the use of remote access. This also applies if an exclusion began before 1 September and the parent/carer is entitled to make representations but has not yet done so. The CEO's notification will explain how requests must be made and to whom and that requests must be made within three school days of the notification.

Where an exclusion began before 1 September 2024 and an independent review panel has not yet been held, the Governing Body must notify the parent/carer, either on 1 September or as soon as possible that they can ask the independent review panel to hold the meeting via the use of remote access. This also applies if an exclusion began before 1 September and the parent/carer is entitled to apply for an independent review panel but has not yet done so. The notification will explain how requests must be made and to whom and that requests must be made within three school days of the notification.

Reconsidering Reinstatement Following a Review

Where the Panel instructs the Governing Body to reconsider their decision not to reinstate a child, they will do so within 10 school days of being given notice of the review Panel's decision.

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

Following reconsideration, the Governing Body will notify the parents/carers, CEO and LA of their reconsidered decision and the reasons for this.

Criminal Investigations

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

Consideration will be given by the CEO when deciding to suspend or exclude a child where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the Governing Body is required to consider the CEO's decision in these circumstances, they will not postpone the meeting and will decide based on the evidence available.

Using Data

The CEO will ensure that all data regarding suspensions and exclusions is collected and provided to the Governing Body on a termly basis. The Governing Body will review this data regularly in order to:

- Consider the level of child moves and the characteristics of children who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- Gather information on children who are taken off the roll and those who are on the roll but attending education off-site.
- Consider the effectiveness and consistency in implementing the Behaviour Policy.
- Understand any variations in the rolling average of permanent exclusions to ensure that they are only used when necessary.
- Understand the characteristics of suspended and excluded children and evaluate equality considerations.
- Gather information on where children are receiving repeat suspensions.
- Evaluate interventions in place to support children at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.
- Analysing whether the placements of children directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives.
- Review data regarding safeguarding separation arrangements.

Monitoring and Review

This Policy will be reviewed annually by the CEO in conjunction with the Governing Body.

The next scheduled review date for this policy is September 2027.

All members of staff will be required to familiarise themselves with this Policy as part of their induction programme.