

# Suspension and Permanent Exclusion Policy



**Approved by:**

Education, Curriculum & Standards Committee

**Date:** November 2025

**Next review due by:**

November 2028

## 1. Aims

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our schools aim to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and pupils understand the exclusions process
- Ensure that pupils in school are safe and happy
- Prevent pupils from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully.

## Off-rolling

Our schools are aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event
- Because they have special educational needs and/or a disability (SEND) that the School feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the School.

## 2. Legislation and statutory guidance

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

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

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

In addition, the Policy is based on:

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

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

### 3. Definitions

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

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

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

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

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

### 4. Roles and responsibilities

#### 4.1 The Headteacher

##### Deciding whether to suspend or exclude

Only the Headteacher, Head of School or acting Headteacher/Head of School, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The Headteacher/Head of School will only use permanent exclusion as a last resort.

Decisions to suspend or permanently exclude a child can be taken in the absence of the Head through the appropriate designated member of staff who is in school liaising with the DCEO or CEO.

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

- In response to serious or persistent breaches of the School’s Behaviour Policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others.

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

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g., the pupil has a social worker, or is a looked after child (LAC))
- Consider whether all alternative solutions have been explored, such as off-site direction including alternative provision or managed moves.

The Headteacher will consider the views of the pupil, in light of their age and understanding, when possible before deciding to suspend or exclude. In some circumstances it is recognised this will not be possible and that gathering these views may be more appropriate when the child is regulated and has had time to reflect on their actions.

##### Informing parents

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

If the Headteacher/Head of School decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the Governing Board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Governing Board to hold a meeting to consider the reinstatement of a pupil and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend.

The Headteacher/Head of School will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension (where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included, if possible:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information the pupil needs in order to identify the person they should report to on the first day.

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

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

### **Informing the Local Governing Board**

The Headteacher/Head of School will, without delay inform the Chair of Governors of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil. The CEO or DCEO must also be informed.
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam.

The Headteacher will notify the Governing Board once per term of any other suspensions of which they have not previously been notified and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

## Informing the Local Authority (LA)

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

The notification will include:

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

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

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

If a:

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

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

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

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

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

## Cancelling suspensions and permanent exclusions

The Headteacher/Head of School may cancel a suspension or permanent exclusion that has already begun but this will only be done where it has not yet been reviewed by the Governing Board. Where there is a cancellation:

- The parents, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- Parents will be offered the opportunity to meet with the Headteacher to discuss the cancellation
- As referred to above, the Headteacher will report to the Governing Board once per term on the number of cancellations
- The pupil will be allowed back in school.

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

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

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

## **4.2 The Governing Board**

### **Considering suspensions and permanent exclusions**

Responsibilities regarding exclusions are delegated to a panel of Governors. This will be called an Exclusion Panel.

Governors from any school from within or outside Synergy MAT can sit on an Exclusion Panel for any school in the Trust.

The panel has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances.

Within 14 days of receiving a request, the Governing Board will provide the Secretary Of State with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the Governing Board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

For secondary schools, the Governing Board does not have to arrange such provision for pupils in their final year of compulsory education who do not have any further public exams to sit.

### **Monitoring and analysing suspensions and exclusions data**

The Governing Board will challenge and evaluate the data on the School's use of suspension, exclusion, offsite direction to alternative provision and managed moves.

The Governing Board will consider:

- How effectively and consistently the School's Behaviour Policy is being implemented
- The School Register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening and to make sure they are only used when necessary
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and why this is taking place
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site.

### **4.3 The local authority (LA)**

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

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

### **5. Considering the reinstatement of a pupil**

The Governing Board will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

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

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the Governing Board must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the Headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the Board, the Governing Board will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the Board is not required to meet and it cannot direct the Headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the Governing Board will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the Exclusion Panel may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The following parties will be invited to a meeting of the Governing Board and allowed to make representations or share information:

- Parents, or the pupil if they are 18 or over (and, where requested, a representative or friend)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The Headteacher
- The pupil's social worker if they have one
- The VSH, if the pupil is looked after
- A representative of the Local Authority.

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

The Exclusion Panel can either:

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

In reaching a decision, the Exclusion Panel will consider:

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

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

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

The Exclusion Panel will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or the pupil, if they are 18 or older
- The Headteacher
- The pupil's social worker if they have one
- The VSH, if the pupil is looked after
- The Local Authority
- The pupil's home authority if it differs from the School's.

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

- The fact that it is a permanent exclusion
- **Notice of parents' right to ask for the decision to be reviewed by an independent review panel**
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Trust to appoint an SEN expert to advise the Review Panel
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the Panel, and parents may also bring a friend to the review.
- The Trust also have the right to invite other professionals as required, including legal representation.

## **6. Independent review**

If parents apply for an independent review within the legal timeframe, the Local Authority and or Multi Academy Trust will arrange for an independent panel to review the decision of the Governing Board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Exclusion Panel of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the Headteacher category. At all times during the review process there must be the required representation on the Panel.

- A lay member to chair the Panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- Current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Headteachers during this time
- Headteachers or individuals who have been a Headteacher within the last 5 years.

A person may not serve as a member of a review panel if they:

- Are a Member or Director of the Trust of the excluding school
- Are the Headteacher/Head of School of the excluding school, or have held this position in the last 5 years
- Are an employee of the Trust of the excluding school (unless they are employed as a Headteacher at another school)
- Have, or at any time have had, any connection with the Trust, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see Appendix 1 for what training must cover).

The Panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the School.

Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they so desire.

Where a SEN expert is present, the Panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the Panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the Headteacher in the lead up to the permanent exclusion, or are relevant to the pupil's permanent exclusion.

Following its review, the Independent Panel will decide to do 1 of the following:

- Uphold the Governing Board's decision
- Recommend that the Governing Board reconsiders reinstatement
- Quash the Governing Board's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

New evidence may be presented, though the School cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The Panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed and, therefore, whether to quash the decision not to reinstate, the Panel must only take account of the evidence that was available to the Governing Board at the time of making its

decision. This includes any evidence that the Panel considers would, or should, have been available to the Governing Board and that it ought to have considered if it had been acting reasonably.

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

The Panel's decision can be decided by a majority vote. In the case of a tied decision, the Chair has the casting vote.

Once the Panel has reached its decision, the Panel will notify all parties in writing without delay.

This notification will include:

- The Panel's decision and the reasons for it
- Where relevant, details of any financial readjustment or payment to be made if the Governing Board does not subsequently decide to offer to reinstate the pupil within 10 school days
- Any information that the Panel has directed the Governing Board to place on the pupil's educational record.

## **7. School registers**

A pupil's name will be removed from the School Admission Register if:

- 15 school days have passed since the parents were notified of the Exclusion Panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel.

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

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

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

### **Making a return to the LA**

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

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

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

## **8. Returning from a suspension**

### **8.1 Reintegration strategy**

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

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

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

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Daily contact in school with a designated pastoral professional
- Mentoring by a trusted adult
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents and staff of potential external support
- Reviewing Behaviour and / or Pastoral support plans that are currently in place.

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

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

### **8.2 Reintegration meetings**

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

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

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

The School expects all returning pupils and their parents to attend their reintegration meeting but pupils who do not attend will not be prevented from returning to the classroom.

## **9. Monitoring arrangements**

The School will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units, off-site directions and managed moves
- Anonymous surveys of staff, pupils, and other stakeholders on their perceptions and experiences.

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By protected characteristic.

The School will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the School will review its policies in order to tackle it.

The Trust will work with its academies to consider this data and to analyse whether there are patterns across the Trust, recognising that numbers in any one academy may be too low to allow for meaningful statistical analysis.

## Appendix 1 - National standard list of reasons for exclusions (NCC)

Please note the DfE expects schools from the beginning of academic year 2020/21 to **cease** the use of “**Other**” as a reason for an exclusion. September 2020 also sees the introduction of 5 new exclusion reasons. The expansion of exclusion reasons aims to give schools more scope for accurately coding the reasons for exclusion as outlined below.

New Exclusion Codes	New Pupil Exclusion Reason
OW	Use or threat of use of an offensive weapon or prohibited item
LG	Abuse against sexual orientation and gender identity
DS	Abuse relating to disability
MT	Inappropriate use of social media or online technology
PH	Willful and repeated transgression of protective measures in place to protect public health

The table below provides a full set of the descriptors of reasons for exclusions. This is to be used as a guide and is not intended to be used as a tick list for exclusions.

Exclusion Code	Pupil Exclusion Reason	Includes
<b>OW</b>	<b>Use or threat of use of an offensive weapon or prohibited item</b>	<ul style="list-style-type: none"> <li>Carrying or bringing onto the school site an offensive weapon / prohibited item such as knives, sharp instruments and BB guns,</li> <li>Carrying any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property</li> <li>Use of an offensive weapon</li> </ul>
<b>LG</b>	<b>Abuse against sexual orientation and gender identity</b>	<ul style="list-style-type: none"> <li>Derogatory statements about sexual orientation (e.g. heterosexual, lesbian, gay, bisexual) and gender identity (e.g. transgender)</li> <li>Homophobic, biphobic and transphobic bullying</li> <li>LGBT+ graffiti</li> <li>LGBT+ taunting and harassment</li> <li>Swearing that can be attributed to LGBT+ characteristics</li> </ul>
<b>DS</b>	<b>Abuse relating to disability</b>	<ul style="list-style-type: none"> <li>Derogatory statements or swearing about a disability</li> <li>Bullying related to disability</li> <li>Disability related graffiti,</li> <li>Disability related taunting and harassment</li> </ul>
<b>MT</b>	<b>Inappropriate use of social media or online technology</b>	<ul style="list-style-type: none"> <li>Sharing of inappropriate images (of adult or pupil)</li> <li>Cyber bullying or threatening behaviour online</li> <li>Organising or facilitating criminal behaviour using social media</li> </ul>
<b>PH</b>	<b>Willful and repeated transgression of protective measures in place to protect public health</b>	<ul style="list-style-type: none"> <li>Deliberate breaching of protective measures such as (but not limited to): non-compliance with social distancing, causing distress such as through purposefully coughing very near to other pupils or adults, or any other deliberate breach of public health protective measures which the school has adopted.</li> </ul>
<b>PP</b>	<b>Physical assault against pupil</b>	<ul style="list-style-type: none"> <li>Fighting</li> <li>Violent behaviour</li> <li>Wounding</li> <li>Obstruction and jostling</li> </ul>

<b>Exclusion Code</b>	<b>Pupil Exclusion Reason</b>	<b>Includes</b>
<b>PA</b>	<b>Physical assault against adult</b>	<ul style="list-style-type: none"> <li>• Violent behaviour</li> <li>• Wounding</li> <li>• Obstruction and jostling</li> </ul>
<b>VP</b>	<b>Verbal abuse / threatening behaviour against pupil</b>	<ul style="list-style-type: none"> <li>• Threatened violence</li> <li>• Aggressive behaviour</li> <li>• Swearing</li> <li>• Verbal intimidation</li> </ul>
<b>VA</b>	<b>Verbal abuse / threatening behaviour against adult</b>	<ul style="list-style-type: none"> <li>• Threatened violence</li> <li>• Aggressive behaviour</li> <li>• Swearing</li> <li>• Verbal intimidation</li> </ul>
<b>BU</b>	<b>Bullying</b>	<ul style="list-style-type: none"> <li>• Verbal, physical, cyber bullying or threatening behaviour online, racist bullying, sexual bullying, homophobic, biphobic and transphobic bullying, bullying related to disability</li> </ul>
<b>RA</b>	<b>Racist abuse</b>	<ul style="list-style-type: none"> <li>• Racist taunting and harassment</li> <li>• Derogatory racist statements</li> <li>• Swearing that can be attributed to racist characteristics</li> <li>• Racist bullying</li> <li>• Racist graffiti</li> </ul>
<b>SM</b>	<b>Sexual misconduct</b>	<ul style="list-style-type: none"> <li>• Sexual abuse</li> <li>• Sexual assault</li> <li>• Sexual harassment</li> <li>• Lewd behaviour</li> <li>• Sexual bullying</li> <li>• Sexual graffiti</li> </ul>
<b>DA</b>	<b>Drug and alcohol related</b>	<ul style="list-style-type: none"> <li>• Possession of illegal drugs</li> <li>• Inappropriate use of prescribed drugs</li> <li>• Drug dealing</li> <li>• Smoking</li> <li>• Alcohol abuse</li> <li>• Substance abuse</li> </ul>
<b>DM</b>	<b>Damage to property</b>	<ul style="list-style-type: none"> <li>• Damage includes damage to school or personal property belonging to any member of the school community</li> <li>• Vandalism</li> <li>• Arson</li> <li>• Graffiti</li> </ul>
<b>TH</b>	<b>Theft</b>	<ul style="list-style-type: none"> <li>• Stealing school property</li> <li>• Stealing personal property (pupil or adult)</li> <li>• Stealing from local shops on a school outing</li> <li>• Selling and dealing in stolen property</li> </ul>
<b>DB</b>	<b>Persistent or general disruptive behaviour</b>	<ul style="list-style-type: none"> <li>• Challenging behaviour</li> <li>• Disobedience</li> <li>• Persistent violation of school rules</li> <li>• Raising of fire alarms falsely</li> </ul>

## Appendix 2 - Timeframes

Length of Exclusion	Will the governors automatically review the exclusion?	Can the parent make written representations to the governors?	Can the parent meet with the governors and make representations in person?	Time Limit	Outcome of the meeting	
					Governors have power to:	Governors DO NOT have power to:
Total 5 school days or less in one term	NO. The governors will not automatically review the exclusion	YES. The governors must consider any of the parent's written points about the exclusion and capture the pupil's views	MAYBE. Governors can agree to meet with the parent if the parent requests this, but they do not have to	No time limit for the meeting but governors should consider responding promptly	Decide whether or not the Head was justified in excluding the pupil and note their views on the pupil's record. Include copies of other relevant papers on the pupil's record, e.g. the pupil's version and views and parents' statement.	Reinstate the pupil. Erase the exclusion from the pupil's record
Total 5.5 – 15 school days in one term	NO. The governors will not automatically review the exclusion but they must meet if the parent requests it, even if the parent does not attend	YES. The governors must consider any of the parents' written points about the exclusion and capture the pupil's views	YES. But the parent has to request a meeting with the governors.	The governors must meet within 50 school days after they receive the parent's request	Decide whether or not the Head was justified in excluding the pupil and note this on their school record. Consider whether the Head followed the guidance. Ensure the pupils views are captured. Reinstate the pupil immediately or by a particular date.	Erase the exclusion from the pupil's record
Total 15.5 school days or more in one term	YES. The governors will automatically review the exclusion	YES. The governors must consider any of the parent's written points about the exclusion and capture the pupil's views	YES. The governors must invite the parent to their meeting, they can bring a friend and the pupil	The meeting must be within 15 school days after the governors receive information about the exclusion from the Head. The Head must without delay inform the governors of the exclusion	Decide whether or not the Head was justified in excluding the pupil and note this on their school record. Consider whether the Head followed the guidance. Ensure the pupil views are captured. Reinstate the pupil immediately or by a particular date.	Erase the exclusion from the pupil's record

Permanent Exclusion	YES. The governors will automatically review the exclusion	YES. The governors must consider any of the parent's written points about the exclusion and capture the pupil's views	YES. The governors must invite the parent to their meeting, they can bring a friend and the pupil	The meeting must be within 15 school days after the governors receive information about the exclusion from the Head. The Head must without delay inform the governors of the exclusion	Decide whether or not the Head was justified in excluding the pupil and note this on their school record. Consider whether the Head followed the guidance. Ensure the pupils views are captured. Reinstate the pupil immediately or by a particular date.	Erase the exclusion from the pupil's record
Any exclusion which will result in the pupil missing a public exam	YES. The governors will automatically review the exclusion	YES. The governors must consider any of the parent's written points about the exclusion and capture the pupil's views	YES. The governors must invite the parent to their meeting, they can bring a friend and the pupil	The meeting should be before the date of the exam. If this is not practical, the Chair of governors can review the exclusion alone	Decide whether or not the Head was justified in excluding the pupil and note this on their school record. Consider whether the Head followed the guidance. Ensure the pupils views are captured. Reinstate the pupil immediately or by a particular date. Allow the pupil into school just to take the exam.	Erase the exclusion from the pupil's record

### Appendix 3 - Suggested Evidence requirements for a permanent exclusion guidance

<p>A copy of the invitation letter(s) sent to parents confirming the date and time of the Governors Disciplinary Hearing, together with a copy of the agenda notifying the names of the panel members.</p> <p><b>Note any supporting evidence from the school must be sent to all parties at least 5 school days in advance</b></p>	
<p>Copies of the letter(s) advising the parent/carer of the permanent exclusion – this must be sent to everyone with parental responsibility, even if the child does not live with them</p>	
<p>A copy of the Head teacher/Principal’s report giving details of the reason for the permanent exclusion, including a summary of the time at the School/Academy</p>	
<p>Witness Statements (if there are any) from staff and students re any significant incidents. CCTV footage or photographic evidence may also be provided</p>	
<p>Evidence that the pupil’s views have been sought – this could be through a transcript of an interview with the pupil or a written statement – these should be signed and dated by the pupil</p>	
<p>Provide details of the pupil’s Special Education Needs or disabilities, or any other risk factors which may be contributing to the pupil’s behaviour.</p> <p>If the child has an EHCP, include a copy of the plan and details of any reviews</p>	
<p>Copies of any documented support plans, including regular reviews, e.g. Individual Education Plans, Pastoral Support Plans, Behaviour Support Plans.</p> <p>Records of any intervention strategies and the reasonable adjustments implemented by the school, including records of the outcomes and impacts, and evidence that the strategies have been regularly reviewed</p>	
<p>Details of other agencies that have been involved - include copies of any assessment reports or recommendations, e.g. Ed Psych, S2S, SRB Outreach Teams or Inclusion Team reports</p>	
<p>A copy of the behaviour log, especially if there has been a history of persistent disruptive behaviour etc. Copies of any ABC reports (if available) to identify triggers</p>	
<p>Information on previous fixed term exclusions and copies of the notification letters</p>	
<p>Copies of any Risk Assessments and Risk Management Plans, including reviews</p>	
<p>Information on whether a Family Support Plan or referral to Early Help has been offered or implemented and details of any other support given</p>	

Copies of all relevant policies, e.g.	
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Behaviour

SEND Policy

Drugs Policy

Safeguarding Policy

Anti-Bullying Policy

The definition of parent is laid down in Section 576 of the Education Act 1996 which defines 'parent' as

- all natural parents, whether they are married or not;
- any person who, although not a natural parent, has parental responsibility for a child or young person;
- any person who, although not a natural parent, has care of a child or young person (having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law).

## **Appendix 4 - The Governing Body Meeting to Consider Exclusions**

### **Agenda**

- Note attendance, apologies, welcome and introductions
- Explanation of procedure
- The School/Academy's case – evidence for exclusion
- Questions to the School – parties rights to question the School/Academy
- The Parent/Pupil's Case
- Questions to the Parent/Pupil – parties rights to question Parents/Pupil
- Questions/Representations from LA
- Closing – check all parties have had a chance to say what they wanted to say
- Explanation of how and when parties will be notified of the decision
- Parent/Carer/Pupil, School, Local Authority leaves the room.

This document is intended to provide the Chair, Governors and Clerk with guidance for running a meeting of the Governing Body to consider exclusion.

It is important that the governors on the panel understand that they 'own' the meeting and not the Head teacher. How the meeting is arranged and conducted is a vital part of working with the parents/carers of the pupil involved to support the young person's future. The meeting should be mutually convenient to all parties including the parents/carers, the date and time of the meeting should be agreed with the parents/carers in the first instance.

### **Membership of the panel, Chairing and Clerking**

This can be between 3 and 5 governors but must not be less than 3. An odd number of governors are strongly recommended. Members should, as far as possible, have no prior knowledge of the matter, which means that the detail of individual pupil exclusions must not be discussed in governors' meetings. To discuss the matter in advance will compromise the ability of governors to reach a fair decision, based on natural justice, and could make the process invalid, and flawed.

Governors must not sit on the panel if any of the following apply:

- they know the pupil and/or his/her family;
- they witnessed the incident that led to the exclusion;
- they have a child in the same class as the pupil involved, or have a child who was a witness to the incident and has told them about it;
- they have a spouse/partner who was involved in the incident;
- for any other reason they may not be able to be impartial;
- they are a member of the school staff;
- they are the Chair of Governors and have already discussed the pupil with the head teacher.

### **Chairing the meeting**

A full member of the governing body must chair the meeting. The Chair of Governors may act as chair, provided that he/she has not discussed the matter before with anyone, especially the head teacher but it can be one of the other governors. Only full governors can take part. Associate Members of the governing body may not sit on the panel.

### **Clerking the meeting**

In Norfolk the Local Authority (LA) strongly recommends that, in cases where the Clerk to Governors is an employee of the school, he/she should not clerk meetings of the governing body relating to exclusions. This is in case parents bring an allegation that he/she influenced the governor's decision when left alone with the panel during their private deliberation of the matter and was not impartial. Evidence and arrangements regarding the meeting can be organised by members of the school.

Governor Service's offers an independent Clerking Service that governing bodies can purchase if they wish.

An agenda (including details of who will be present at the meeting) should be included in the evidence pack which must be sent to all parties at least 5 school days prior to the meeting (this includes to the parents/carers and the Local Authority). A sample agenda can be found in Appendix A.

### **1. Noting attendance**

The Clerk should take minutes and a list of the names of everyone who is present at the meeting

- the governor members of the panel, stating who is in the chair;
- the head teacher and any other members of school staff present;
- the parents/carers and anyone accompanying them, i.e. a friend or representative;
- the pupil, if in attendance, and if not, how their views have been captured;
- the LA Officer, if in attendance;
- the clerk.

The clerk should also note if the parents/carers do not attend, stating when and how they were invited to attend, and how and whether they had indicated that they would be present. Governors also need to detail the pupil's views and how they were obtained if they or their parent/carer do not attend. Parent/carers may be delayed for whatever reason and it is at the chair's discretion whether the start of the meeting will be briefly postponed, but in the light of natural justice it would be appropriate to allow parents/carers sufficient time to attend.

### **2. Apologies**

The clerk should note any apologies offered.

**NB** the meeting must not take place with less than 3 governors.

### **3. Chair's welcome, introductions and opening remarks**

The Chair of the panel should welcome everyone, and either perform introductions or ask people to introduce themselves. He/she should state the purpose of the meeting and outline its format.

The purpose of the meeting:

- to establish whether, based on the facts known at the time, the head teacher took the right action in excluding the pupil;
- to consider whether the type or length of period of exclusion was appropriate;
- to ensure the exclusion was reasonable, fair and appropriate taking into account the head teacher's legal duties;
- where the governing body is legally required to consider an exclusion, they must 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 in the school;
- (if a permanent exclusion) to establish that the headteacher's decision warrants a permanent exclusion and is:
  - in response to serious or persistent breaches, of the school's behaviour policy; and
  - where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Based on the evidence presented to them the governors on the panel have two basic options:

- to reinstate the pupil, immediately or a future date; or
- to decline to reinstate

In order to help them reach their judgement, the meeting should take the following pattern.

### **4. Verbal statement from the Head teacher**

This will be in support of any written evidence previously circulated. The Head teacher must be able to make his/her case on the day – it is not sufficient to rely on information previously sent out. He/she may invite other staff

members to attend to offer supporting evidence, being careful not to be over represented. Governors, parents/carers may make comments/ask questions after the school has presented their case.

Written evidence should be circulated in advance to all the parties involved at least 5 days prior to the meeting. Witness statements should be signed and dated unless there is good reason not to but may need to be redacted. The excluded pupil's views should also be sought prior to the hearing, taking into account their age and understanding.

Where the Head teacher may need to outline a series of events/poor behaviour, it is acceptable to provide a list of the pupil's transgressions and a report from the Head teacher giving the reasons why they feel the exclusion is justified. Sufficient documentary evidence must also be provided to allow governors to obtain a full picture of the situation, i.e. behaviour logs; copies of any Pastoral Support Plans, Individual Education Plans and Risk Assessments; details of any intervention strategies used and the outcomes; whether a Family Support Plan or referral to Early Help has been offered or provided; details of any special education needs/disabilities and how these were supported; and copies of any assessment reports from external agencies, e.g. Educational Psychologist assessments and recommendations.

#### **5. Questions to the Head teacher**

Panel members (governors) may ask questions to clarify points after Head teacher has presented his/her case as well as parents/carers and Local Authority representative.

#### **6. Verbal statement from the parent/carer (or pupil if appropriate)**

This should support any written evidence that they asked to be circulated in advance. The parent/carer/pupil may ask that their friend or representative speak on their behalf

#### **7. Questions to parents/carers**

Panel members (governors) may make ask questions as well as Head teacher and Local Authority representative. If the pupil is in attendance, they may also be questioned

#### **8. Representations from the LA Officer**

Where an officer is in attendance at a maintained school the LA Officer may ask questions and make representations, and the panel may also ask for advice/guidance or clarity. In the case of an academy, the LA Officer may attend the meeting if invited by the governing board or requested by parents. However, at an academy the LA Officer can only observe unless permission is given for them to contribute by the panel.

#### **9. Final clarification**

The Chair of the panel should ensure that all parties, especially the parents/carers/pupil, have had an opportunity to say what they wish to and that all points are clear. Governors should be confident that they have all the information they need to be able to reach a correct decision.

#### **10. Reaching a Decision**

At this point everyone other than the governors and clerk should withdraw from the meeting, to allow the governors to discuss the case/s under consideration and form a judgement.

In the case of a short fixed-term exclusion of 5 days or fewer, if the panel do not 'uphold' the head teacher's decision they cannot direct reinstatement as this is not within their power, but a note should be placed on the child's file.

When reviewing other exclusions of more than 5 days, when reinstatement is not practical (because for example the pupil has returned to school following the end of a fixed term exclusion) the governing body must, in any event, consider whether the head teacher's decision to exclude the child was justified based on the evidence. In this case a note should be attached to the child's school record, to clarify whether the panel supports the head teacher's actions.

The panel may agree that whilst a fixed period of exclusion was the correct action to take, the number of days given was too severe. In this case, the panel may decide to reinstate the pupil sooner than planned. This does not have to be immediately but may be from an earlier date than initially set down. Governors may also want to consider

whether, if it has not already happened, a brief time needs to be allowed for the Head teacher and staff to plan for the child's reintegration.

Where the panel judged that exclusion was not the correct course of action, it may reinstate the pupil, as outlined above. In these cases, some of the following might apply:

- the Head teacher did not provide relevant or sufficient evidence to support his/her case for an exclusion, or;
- the panel judged that insufficient strategies had been put in place to support the pupil prior to the incident that resulted in the exclusion (i.e. it could have been avoided if the school had given better support), or;
- the parent/carer has made an acceptable representation against the exclusion, e.g. provided evidence of mitigating circumstances, provided evidence to support their child's views with regard to their case;
- the child had not been given a voice at the meeting and their views captured by the school;
- strategies could include the use of a Pastoral Support Plan; a risk assessment of the potential hazard the pupil presents or faces; or some time at a Specialist Resource Base; or in the case of Looked After Children, whether their Personal Education Plan has been reviewed;
- based on the balance of probabilities they felt the head teacher's decision was not lawful, reasonable and procedurally fair.

There are times when pupils with Education, Health and Care Plans are exhibiting behaviour that might lead to their exclusion or have been excluded. In these cases, the school should have requested a review of this to establish that the child has the appropriate level of support in the school or whether the placement needs to be reviewed. This may not always be possible for a one-off offence of physical violence, etc. An external review may also be requested where pupils and their behaviour has deteriorated.

Where a child with an Education, Health and Care Plan is excluded from school, the panel should always ask what the school has done to support the pupil before exclusion is imposed and satisfy itself that the school has done all it can. Schools should call a review if they feel the pupil's behaviour has deteriorated or the pupil is struggling to cope. Parents/carers of a pupil with an Education, Health and Care Plan must be informed of their right to appeal to a First Tier Tribunal with regard to any exclusion.

If parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010, so the panel need to consider whether the school has made reasonable adjustments with regard to the disability.

The clerk will take Minutes of:

- the evidence and questions by all parties;
- the main points of the discussion by panel members;
- the decision reached and the supporting reasons;
- how the pupil's views were captured.

The panel may include comments or make recommendations but cannot place conditions on the outcome - possible suggestions could be to draw together a mutually agreeable Pastoral Support Plan for the pupil, or for the school to request support or assessments from external agencies.

Where all parties have chosen to stay to be told the decision they should be invited back into the meeting room to receive this. However, it is not an opportunity for further discussion of the case. In any event, a formal letter detailing the decision, and setting out detailed reasons why governors have reached their conclusion, should be sent to the parent/ carer without delay, either hand delivered or posted by first class mail.

### **Further action**

For a fixed-term exclusion there is no further right of appeal by the parents/carers– the decision of the Governor's panel is final, unless the pupil has special educational needs or a disability in which case they can go to First Tier Tribunal.

In the case of a permanent exclusion, the parents/carers must be informed in the letter from the panel of how they can make an application to an Independent Review Panel.

Where parents make an application against a permanent exclusion to an Independent Review Panel (IRP) after the governing body meeting, an IRP can only uphold the decision, recommend that the governing body reconsider their decision, or quash the decision and direct the governing body reconsider the exclusion again. An IRP cannot direct reinstatement, only the Governing body and the First Tier Tribunal can reinstate.

If a case has been sent back to governors and the IRP have either recommended that they reconsider, or the decision is Quashed and the governing body is directed to reconsider, this must take place 10 school days from the date of receipt of the outcome of the Independent Review Panel. It is then the decision of the governing body to review the decision not to reinstate and write to the parent, head teacher and local authority of their decision without delay.

Copies of all paperwork,(letter and minutes) must be sent without delay to the Exclusions Team at Norwich Professional Development Centre, 144 Woodside Road, Norwich, NR7 9QL or by e mail to:  
[exclusions@norfolk.gov.uk](mailto:exclusions@norfolk.gov.uk).

Minutes of the meeting should be held in a Governors Confidential Minute folder in the Head teacher's Office and a copy of the letter attached to the pupil's school record. These do not need to be circulated unless requested. One copy of all paperwork needs to be kept as a parent can go the First Tier Tribunal for disability discrimination before and after an Independent Review, and claims can be made up to 6 months after the review.

## Appendix 5 - Meeting to review Permanent exclusion by Governors - checklist and notes

When parents were notified about the exclusion, was statutory guidance followed including all parents as defined by legislation?	
Did the parents receive contact prior to meeting to arrange a date and time convenient to them?	
Was evidence sent to parents and all other parties at least 5 days prior to the meeting?	
Were parents informed they could be accompanied by a friend and their son or daughter should be encouraged to attend?	
Did the LA and the Governors receive notification of the permanent exclusion with the reasons?	
Are there at least three governors on the committee?	
Was the exclusion the last resort and a serious breach or persistent breaches of the school's behaviour policy and where allowing the pupil to remain in school would seriously harm the education or welfare of themselves or others?	
Does pupil have SEN, and if so, were reasonable adjustments made?	
Has everything been done to support the pupil and if the pupil has a statement of EHCP was a review called to see if an alternative placement could be found?	
Did the school in partnership with others consider additional support?	
Are there any contributing factors, e.g. bereavement, has there been mental health issues, bullying, etc.?	
Was the exclusion lawful, reasonable, fair and proportionate?	
Were the pupil's views captured?	
Does the exclusion breach the relevant school policy?	

### Other considerations that could be considered:

- Was support offered via an Early Help referral or a multi-agency meeting such as a FSP?
- Is the pupil a Looked after child? If so, were all reasonable steps carried out to avoid a permanent exclusion?
- Did the school use documented support plans, such as a Pastoral Support Programme, Individual Education Plan or a Behaviour Support Plan?
- Have these been regularly reviewed, involving parents where possible?
- A Risk Assessment and Risk Management Plan?
- Application for a place at a Specialist Resource Base?
- Has support/advice been sought from CAMHS or Ed Psych Service, if appropriate?
- Was consideration given to a managed move?