

Respect
For All



Ambitious
In Aspirations

Bold
In Actions

"...with God all things are possible" Matthew (19:26)

St George's CE Primary School Suspension and Exclusion Policy

Completed by:	D.Grindrod, Headteacher
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Aim

Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education. Therefore, the government recognises that school exclusions, managed moves and off-site direction are essential behaviour management tools for headteachers and can be used to establish high standards of behaviour in schools and maintain the safety of school communities.

For the vast majority of pupils, suspensions and permanent exclusions may not be necessary, as other strategies can manage behaviour. However, if approaches towards behaviour management have been exhausted, then suspensions (The term suspension is a reference to what is described in the legislation as an exclusion for a fixed period) and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.

This policy is to be seen as a companion policy to the school's Behaviour Policy. Therefore, this policy should only be necessary when strategies, practices and interventions set out within the Behaviour Policy have not been successful in improving a pupil's behaviour or the use of more significant interventions or sanctions are required.

Suspension

A suspension, where a pupil is temporarily removed from the school, is an essential behaviour management tool that is set out within a school's behaviour policy.

A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.

A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of our school's behaviour policy and shows a pupil that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a pupil, we will consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

It is important that during a suspension, pupils still receive their education. The school will take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This may include utilising an online pathway such as Oak National Academy or Class Dojo. Our legal duties to pupils with disabilities or special educational will remain in force, for example, to make reasonable adjustments in how we support disabled pupils during this period. Any time a pupil is sent home due to disciplinary reasons will be asked to log on or utilise online pathways and this will be recorded as a suspension.

A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered. We will notify parents if this sanction is required.

The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Permanent exclusion

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently should only be taken:

- in response to 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 the pupil or others such as staff or pupils in the school.

For any permanent exclusion, the headteacher will take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil is not attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) will also be considered.

Setting a clear process for exclusions

At St. George's CE Primary School, we have clear procedures in order to monitor the 45-day suspension rule. All suspensions are recorded on the school's electronic safeguarding system (CPOMS) and are monitored by the Headteacher and Deputy.

If a pupil is likely to be or has been suspended then the Head or Deputy will inform parents immediately and they will be invited into school to discuss the reason for the suspension. At this point the formal letter explaining the suspension (format from the Local Authority) will be given. If the pupil has a social worker or is under the Virtual Heads Schools, they will also be informed. A copy of the formal letter, which states the reasons for the suspension or exclusion will then be sent to the Chair of Governors and the Local Authority in line with guidelines. A copy of the letter will also be stored on the CPOMS system for reference. The letter outlines guidance for parents as well as signposting impartial advice.

When returning to school after a suspension and or exclusion, parents/carers will be invited into a reintegration meeting. This will cover the reasons why the suspension/exclusion was needed, discussions with the pupil to ensure that actions will not be repeated and a plan put in place with parents to monitor their child's behaviour for a period of time in order to support their behaviour moving forward. It may be that at this point the school offers an Early Help Assessment with parents to identify further needs and support. School may also ask for permission to engage outside agencies such as Educational Psychology and Behaviour Support. Pastoral support may also be offered. In some cases it may be appropriate to gain support from the Youth Offending Service.

Reasons and recording exclusions

The Department of Education are very clear that they trust headteachers to use their professional judgement based on the individual circumstances of the case when considering whether to exclude a pupil. The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment

Abuse relating to disability

This list is non-exhaustive and is intended to offer examples rather than be complete or definitive. The Department of Education collects data on suspensions and permanent exclusions from all state-funded schools via the termly school census. School provides information via the school census on pupil's subject to any type of suspension or permanent exclusion in the previous two terms.

Safeguarding, including guidance concerning pupils who have abused another pupil (commonly known as child-on- child abuse)

If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil or if a pupil has been reinstated following a governing board review, it is likely that there will be complex and difficult decisions that need to be made. It is important that decisions are made alongside a school's duty to safeguard and support children and their duty to provide an education.

School has a statutory duty to make arrangements for safeguarding and promoting the welfare of our pupils. As part of this duty, school is required to have regard to guidance issued by the Secretary of State. All schools must have regard to [Keeping Children Safe in Education](#).

Furthermore, school have a statutory duty to co-operate with safeguarding partners once designated as relevant agencies. Equally, safeguarding partners are expected to name schools as relevant agencies and engage with them in a meaningful way. Ultimately, any decisions are for the school to

make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.

Section 5 of [Keeping Children Safe in Education](#) sets out the safeguarding process for cases of reports that relate to rape or assault by penetration and those that lead to a conviction or caution: "When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis." As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, schools should follow general safeguarding principles as found in [Keeping Children Safe in Education](#).

Preventative measures to school exclusion

The school will support pupils and families in order to exhaust all possible reasonable strategies and interventions before the decision is made to exclude a pupil. Interventions will be set with clear objectives, a timeline in order to achieve these objectives and agreed by pupil, staff and parents. The plan will then be frequently monitored and reviewed. Pupils will continue to receive a broad and balanced education, and this will support reintegration into mainstream schooling. In Stockport, we do not have the possibility of moving a pupil to an alternative provision (AP) or manage a move at Primary level.

Pupils with disabilities and Special Educational Needs (SEN) including those with Education, Health and Care plans (EHC plans)

The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can, in principle, apply both to the suspensions and permanent exclusions process and to the disciplinary sanctions imposed. Under the Children and Families Act 2014, governing boards of relevant settings must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN.

St. George's C of E Primary School will engage proactively with parents in supporting the behaviour of pupils with additional needs.

Where we, as a school, have concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan we will, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This will involve assessing the suitability of provision for a pupil's SEN or disability.

Where a pupil has an EHC plan, schools will contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude. For those with SEN but without an EHC plan, the school will review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for the school to request an EHC assessment or a review of the pupil's current package of support.

Pupils who have a social worker, including looked-after children, and previously looked-after children

For the majority of children who have a social worker, this is due to known safeguarding risks at home or in the community: over half are in need due to abuse or neglect. For children with a social worker, education is an important protective factor, providing a safe space for children to access support, be visible to professionals and realise their potential. When children are not in school, they miss the protection and opportunities it can provide, and become more vulnerable to harm. However, the headteacher will balance this important reality with the need to ensure calm and safe environments for all pupils and staff.

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

Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) will contact the local authority's VSH as soon as possible. The VSH, working with the DT and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Where relevant, the school will also engage with a child's social worker, foster carers, or children's home workers.

All looked-after children have a Personal Education Plan (PEP) which is part of the child's care plan. This is reviewed every term and any concerns about the pupil's behaviour is recorded, as well as how the pupil is being supported to improve their behaviour and reduce the likelihood of exclusion.

Where previously looked-after children face the risk of being suspended or permanently excluded, the school will engage with the child's parents and the school's DT. The school may also seek the advice of the VSH on strategies to support the pupil.

The headteacher's duty to inform parties about an exclusion

To ensure that a child receives the correct support and protection during a suspension or permanent exclusion, it is important that those responsible for their care are promptly informed when exclusions occur or there is a risk of them occurring.

Duty to inform parents about an exclusion

Whenever the headteacher suspends or permanently excludes a pupil they must, without delay, notify parents of the period of the suspension or permanent exclusion and the reason(s) for it.

They will also, without delay, after their decision, provide parents with the following information in writing:

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

- 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; and
- where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents or a pupil if they are 18 years old have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

Where a suspended or permanently excluded pupil is of compulsory school age the headteacher must also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours.

These days are the first five school days of a suspension or permanent exclusion (or until the start date of any full-time alternative provision or the end of the suspension where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted. The headteacher must notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session on the first day of the suspension or permanent exclusion.

Informing the governing board about an exclusion.

The headteacher must, without delay, notify the governing board of:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
- any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.
- When removing a pupil from the school roll, the governing board must ensure this is done under the circumstances prescribed by the Education (Pupil Registration) (England) Regulations 2006, as amended. If applicable, the pupil's name should be removed from the school roll at the appropriate time.

Informing the local authority about an exclusion

The local authority must be informed without delay of all school exclusions regardless of the length of the exclusion.

For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the headteacher must also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay. The headteacher must also inform the governing board once per term of any other suspensions of which they have not previously been notified.

Notifications must include the reason(s) for the suspension or permanent exclusion and the duration of any suspension or, in the case of a permanent exclusion the fact that it is permanent.

The governing board and local authority's duties to arrange education for excluded pupils

Governing boards and local authorities play an important role in ensuring that children who have been excluded from school receive a suitable education that facilitates their successful reintegration into education or meets their long-term needs.

The education of pupils from the sixth day of an exclusion

For a suspension of more than five school days, the governing board must arrange suitable full-time education for any pupil of compulsory school age. This provision is commonly called alternative provision and must begin no later than the sixth school day of the suspension. Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is because of one decision to suspend the pupil for the full period or multiple decisions to suspend the pupil for several periods in a row.

For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place. This will be the pupil's 'home authority' in cases where the school is in a different local authority area. The school should collaborate with the local authority when the pupil might be eligible for free home to school travel, arranged by the local authority, to the place where they will be receiving education.

In addition, where a pupil has an EHCP, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement.

The local authority must have regard to the relevant statutory guidance when carrying out its duties in relation to the education of looked-after children, which can be found here: [Promoting the education of looked-after children and previously looked-after children \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/promoting-the-education-of-looked-after-children-and-previously-looked-after-children.pdf). Where a looked-after child is excluded, the school will document the provision of immediate suitable education in the child's PEP.

The governing board's duty to consider an exclusion

Governing boards have a key responsibility in considering whether excluded pupils should be reinstated. This forms part of their wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties.

Guidance for governing boards on considering an excluded pupil's reinstatement

The governing board has a duty to consider parents' representations about a suspension or permanent exclusion. The requirements on a governing board to consider the reinstatement of a suspended or permanently excluded pupil depend upon a number of factors. A summary of the governing board's duties to review the headteacher's exclusion decision has been added.

In the case of a maintained school, the governing board may delegate its functions with respect to the consideration of a suspension or permanent exclusion to a designated sub-committee consisting of at least three governors.

The governing board must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher if:

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

The requirements are different for suspensions where a pupil would be suspended for more than five but less than 16 school days in a term. In this case, if the parents make representations, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for a governing board. It must, so far as is reasonably practicable, consider and decide on the suspension or permanent exclusion before the date of the examination or test. If it is not practical for sufficient governors to consider the reinstatement before the examination or test, the chair of governors, in the case of a maintained school, may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the pupil.

The following parties must be invited to a meeting of the governing board and allowed to make representations or share information:

- parents (and, where requested, a representative or friend);
- the pupil if they are 18 years or over;
- the headteacher;
- a representative of the local authority (in the case of a maintained school or PRU);⁴⁸
- the child's social worker if the pupil has one; and
- the VSH if the child is LAC.

The governing board must make reasonable endeavours 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.

In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Considering, the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in governing board meetings and the pupil should be enabled to make a representation on their own behalf if they wish to do so.

Guidance for governing boards on using data on suspensions and permanent exclusions

The Governing board of the school will consider:

- effectiveness and consistency in implementing the school's behaviour policy
- 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 ensure 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
- understanding the characteristics of excluded pupils, and why this is taking place
- whether the placements of pupils directed off-site into AP are reviewed
- at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- Further information can be found here: [Understanding your data: a guide for school governors and academy trustees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/understanding-your-data-a-guide-for-school-governors-and-academy-trustees)

A summary of the governing board's duties to review the headteacher's exclusion decision

Conditions of exclusion

Governing board duties

Does the exclusion meet any of the following conditions?

- It is a permanent exclusion
- It is a suspension that alone, or in conjunction with previous suspensions, will take the pupil's total number of days out of school above 15 for a term
- It is a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test*

Yes

No

The governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension or permanent exclusion.⁴⁹

*If the pupil will miss a public exam or national curriculum test, the governing board must take reasonable steps to meet **before** the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.⁵⁰

Will the suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?

No

Yes

The governing board must consider any representations made by parents but does not have the power to decide whether to

Have the pupil's parents requested a governing board meeting?

Yes

No

The governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

The governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

Preparing for the consideration of a suspension or permanent exclusion

Where the governing board is legally required to consider the reinstatement of a suspended or permanently excluded pupil they should:

- not discuss the suspension or permanent exclusion with any party outside the meeting;
- ask for any written evidence in advance of the meeting, including witness statements and other relevant information held by the school such as those relating to a pupil's SEN and the pupil's school record;
- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- allow parents and the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the governing board should first seek parental consent);
- invite the pupil's social worker, if they have one, and if the pupil is LAC, the VSH to attend;
- comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability with mobility or communication that has an impact upon their ability to attend the meeting or to make representations); and
- identify the steps they will take to enable and encourage the suspended or permanently excluded pupil to attend the meeting and speak on their behalf (such as providing accessible information or allowing them to bring a friend), considering the pupil's age and understanding; or how the suspended or permanently excluded pupil may feed in their views by other means if attending the meeting is not possible.

Pupils who may miss a public examination or national curriculum test if they are suspended or permanently excluded

There is no automatic right for a suspended or permanently excluded pupil to take a public examination or national curriculum test on the school's premises. The governing board should consider whether it would be appropriate to exercise its discretion to allow a suspended or permanently excluded pupil onto the premises for the sole purpose of taking the examination or test or whether this could be facilitated in another way.

Considering the reinstatement of a suspended or permanently excluded pupil

Where the governing board is legally required to consider reinstating a suspended or permanently excluded pupil, they must consider both the interests and circumstances of the suspended or permanently excluded pupil, and that of other pupils, staff, and school community.

The governing board must also consider any representations made by or on behalf of:

- parents or the pupil if they are over 18 years old;
- the headteacher;
- the pupil's social worker if the pupil has one;
- if the pupil is looked after, the VSH;
- and the local authority (in the case of a maintained school or PRU).

Considering, the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in the governing board meeting and the pupil should be enabled to make a representation on their own behalf if they desire to do so.

When establishing the facts in relation to a suspension or permanent exclusion the governing board must apply the civil standard of proof, i.e., 'on the balance of probabilities' (it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

85. In the light of its consideration, the governing board can either:

- decline to reinstate the pupil; or
- direct reinstatement of the pupil immediately or on a particular date.

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

87. If it decides against the reinstatement of a pupil who has been permanently excluded the parents can request an independent review.

Guidance on considering the reinstatement of a suspended or permanently excluded pupil

88. The governing board should agree the steps they will take to ensure all parties will be supported to participate in its consideration and have their views heard. This is particularly important where pupils aged under 18 are speaking about their own suspension or permanent exclusion or giving evidence to the governing board.

89. The governing board should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the governing board. These minutes should be made available to all parties on request and the record of discussion should state clearly how the decisions have been reached.

90. The governing board should ask all parties to withdraw from the meeting before making a decision. Where present, a clerk may stay to help the governing board by reference to their notes of the meeting and with the wording of the decision letter.

91. In reaching a decision on whether a pupil should be reinstated, the governing

board should consider whether the decision to suspend or permanently exclude the pupil was lawful, reasonable, and procedurally fair. This should consider the welfare and safeguarding of the pupil and their peers, the headteacher's legal duties, and any evidence that was presented to the governing board in relation to the decision to exclude.

92. The governing board should note the outcome of its consideration on the pupil's educational record, and copies of relevant papers should be kept with the educational record.
93. In cases where the governing board considers parents' representations but does not reinstate the pupil, it should consider whether it would be appropriate to place a note of its findings on the pupil's educational record.
94. Claims of discrimination to the First-tier Tribunal⁵⁸ (Special Educational Needs and Disability), in relation to disability, or County Court⁵⁹, for all other forms of discrimination, can be made up to six months after the discrimination is alleged to have occurred. Schools should retain records and evidence relating to an exclusion for at least six months in case such a claim is made.

The governing board's duty to notify people after its consideration of reinstatement⁶⁰

84. Where legally required⁶¹ to consider reinstating a suspended or permanently excluded pupil, the governing board must notify parents or the pupil if they are 18 years or over, the headteacher, and where relevant, the local authority, the pupil's social worker and/or the VSH of its decision, and the reasons for it, in writing and without delay. Where the pupil resides in a different local authority area from the one in which the school is located, the governing board must also inform the pupil's 'home authority'.
85. In the case of a permanent exclusion where the governing board decides not to reinstate the pupil, the governing board's notification must state that the exclusion is permanent and provide notice of parents' right to ask for the decision to be reviewed by an IRP and the following information:
 - the date by which an application for a review must be made (i.e., 15 school days from the date on which notice in writing of the governing board's decision is given to parents – see paragraph 134);
 - where and to whom 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, this should include a reference to how the pupil's SEN are considered to be relevant to the permanent exclusion;

- that, regardless of whether the permanently excluded pupil has recognised SEN, parents have a right to require the local authority/academy trust to appoint a SEN expert to advise the review panel;
- details of the role of the SEN expert; and
- that parents may, at their own expense, appoint someone to make written and/or oral representations to the panel.

86. That, in addition to the right to apply for an IRP, if parents believe that there has been unlawful discrimination in relation to the permanent exclusion then they may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the

⁶⁰ Paragraphs 129 to 134 gives guidance about section [51A Education Act 2002](#).

⁶¹ In the case of a suspension which does not leave the pupil's total number of days of suspension above five in a term, or a suspension which leaves the total above five but up to 15 and where the parent or adult pupil does not make representations, the governing board are not required to inform parents about reinstatement.

County Court, in the case of other forms of discrimination.

87. That a claim of discrimination under the Equality Act 2010 made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place (e.g., the day on which the pupil was permanently excluded).

88. The governing board may provide the information in paragraphs 129 and 130 by delivering it directly to parents in person or to their last known address or posting it first class mail to that address.

89. Notice is deemed to have been given on the same day if it is delivered or on the second working day after posting if it is sent by first class mail.

Providing information to parents following its decision on reinstatement

90. The governing board should set out the reasons for its decision in sufficient detail to enable all parties to understand why the decision was made.

91. Where relevant, it will be for the governing board to confirm the details of where the parents' application for an IRP should be sent. This is normally the clerk of the IRP. The notice should make it clear that parents are entitled to bring a friend to the review.

92. In providing details of the role of the SEN expert, the governing board should refer to the statutory guidance provided to SEN experts in paragraphs 230 to 233. The notice should

explain that there would be no cost to parents for this appointment and that parents must make clear if they wish for a SEN expert to be appointed in any application for a review.

93. Where the governing board declines to reinstate the pupil, it should draw the attention of parents to relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision. This information should be included in the letter notifying parents of a decision not to reinstate a permanently excluded pupil, which should also include the information set out in paragraph 75.

Part eight: The governing board's duty to remove a permanently excluded pupil's name from the school register

The correct removal of pupils from the school admission register is critical to ensuring that permanent exclusions are carried out lawfully and that pupil movements can be effectively monitored. By carrying this role out properly, governing boards can reduce opportunities for the illegal off-rolling of children and make this issue easier to identify and tackle.

Guidance for governing boards on removing an excluded pupil's name from the school register⁶²

94. The governing board must ensure that a pupil's name is removed from the school admission register if:

- 15 school days have passed since the parents were notified of the governing board's decision to not reinstate the pupil and no application has been made for an IRP; or
- the parents have stated in writing that they will not be applying for an IRP.

95. The school cannot backdate the deletion of the pupil's name to the date the pupil's exclusion began.

96. Where an application for an IRP has been made within 15 school days, the school must wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register. Where a pupil's name is to be deleted from the school admissions register because of a permanent exclusion the school must make a return to the local authority.

97. The return must include:

- the pupil's full name;

⁶² [Regulations 8\(1\)\(m\), 8\(3\)\(e\) and 8\(4\)\(d\) of the Education \(Pupil Registration\) \(England\) Regulations 2006](#), as amended, set out the circumstances in which a permanently excluded pupil must be removed from the register. [Regulation 12\(7\) of the Education \(Pupil Registration\) \(England\) Regulations 2006](#) as inserted by [Regulation 5 of the Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2016](#) sets out the information that must be submitted to the local authority. Paragraphs 139 to 143 gives guidance about section [51A Education Act 2002](#).

- the full name and address of any parent with whom the pupil normally resides;
- at least one telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency;
- and the grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion);
- if the pupil's parent or parents have told the school that the pupil is going to live with one or more of them at a new address, the return must also include 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 pupil's parent or parents have told the school that the pupil is already registered at another school or is going to go to another school, the return must also give the name of that school and the first date when the pupil attended or is due to attend there; and
- this return must be made as soon as the grounds for deletion is met and no later than the deletion of the pupil's name.

98. Where a pupil's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal (Special Educational Needs and Disability) or County Court has the power to direct that the pupil should be reinstated.

Guidance on providing exclusion data

99. In addition, within 14 days of a request, a governing board must provide to the Secretary of State and (in the case of maintained schools and PRUs) the local authority, certain information about any pupils suspended or permanently excluded within the last 12

months.⁶³

Guidance to schools on marking attendance registers following permanent exclusion

100. Whilst a permanently excluded pupil's name remains on a school's admission register, the pupil should be marked using the appropriate attendance code. Where alternative provision has been made and the pupil attends it, an appropriate attendance code, such as Code D (Dual Registered - at another educational establishment) or Code B (Off-site educational activity, if the provision is an approved

⁶³ As set out in the [Education \(Information About Individual Pupils\) \(England\) Regulations 2013](#).

educational activity that does not involve the pupil being registered at any other school), should be used. Where pupils are not attending alternative provision, they should be marked absent using Code E.⁶⁴

Guidance on common transfer files

101. The common transfer file should be transferred within 15 school days of the pupil ceasing to be registered at the school.

Guidance to schools on sharing child protection information when a child is permanently excluded

102. Where pupils leave the school (including in-year transfers) the designated safeguarding lead should ensure their child protection file is transferred to the new school or college as soon as possible, and within 5 days for an in-year transfer or within the first 5 days of the start of a new term. This should be transferred separately from the main pupil file, ensuring secure transit, and confirmation of receipt should be obtained. Receiving schools and colleges should ensure key staff such as designated safeguarding leads and special educational needs coordinators (SENCOs) or the named person with oversight for SEN in colleges, are aware as required.

⁶⁴ Departmental advice on attendance codes can be found at the following link:

<https://www.gov.uk/government/publications/school-attendance>.

Part nine: The local authority/academy trust's duty to arrange an independent review panel

IRPs contribute to a robust process of scrutiny to ensure that exclusions are lawful, reasonable, and procedurally fair. This section sets out how and when local authorities and academy trusts should organise such reviews when requested.

Arranging a date and venue⁶⁵

103. If applied for by parents within the legal time frame, the local authority or (in the case of an academy) the academy trust must, at their own expense, arrange for an IRP hearing to review the decision of a governing board not to reinstate a permanently excluded pupil.

104. The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the governing board of its decision not to reinstate a permanently excluded pupil (in accordance with the requirements summarised in paragraph 129); or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the permanent exclusion.⁶⁶

105. Any application made outside of the legal time frame must be rejected by the local authority/academy trust.
106. The local authority/academy trust must not delay or postpone arranging an IRP where parents also make a claim of discrimination in relation to the permanent exclusion to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court.⁶⁷
107. Parents may request an IRP even if they did not make representations to, or attend, the meeting at which the governing board considered reinstating the pupil.
108. The local authority/academy trust must take reasonable steps to identify a date for the review that all parties, and any SEN expert appointed to give advice in person, are

⁶⁵ Paragraphs 148 to 156 gives guidance about section [51A Education Act 2002](#).

⁶⁶ The First-tier Tribunal (Special Educational Needs and Disability) and County Court have the jurisdiction to hear claims of discrimination under the [Equality Act 2010](#) which relate to exclusions.

⁶⁷ In such circumstances, the Tribunal or Court may decide to delay its consideration until after the IRP process has been completed.

able to attend.⁶⁸ However, the review must begin within 15 school days of the day on which the parent's application for a review was made (panels have the power to adjourn a hearing if required).

109. The venue must be reasonably accessible to all parties.⁶⁹
110. The local authority/academy trust must arrange a venue for hearing the review. Whatever the venue, the panel must hold the hearing in private unless the local authority/academy trust directs otherwise.
111. Where the issues raised by two or more applications for review are the same, or connected, the panel may combine the reviews if, after consultation with all parties, there are no objections.

The governing board's duty to reconsider reinstatement following a review

When an IRP directs or recommends a pupil's reinstatement, the governing board has the opportunity to look at the pupil's reinstatement afresh. This section offers guidance on how this reconsideration should be undertaken and the necessary next steps.

Guidance on the governing board's duty to reconsider reinstatement following a review⁷⁷

84. Where the panel directs or recommends that the governing board reconsider whether a pupil should be reinstated, the governing board must reconvene to do so within ten school days of being given notice of the panel's decision. Notice is deemed to have been given on the day of delivery if it is delivered directly or on the second working day after posting if it is sent by first class mail.
85. It is important that the governing board conscientiously reconsiders whether the pupil should be reinstated, whether the panel has directed or merely recommended it to do so. Whilst the governing board may still reach the same conclusion as it first did, it may face challenge in the courts if it refuses to reinstate the pupil, without strong justification.
86. Following a direction to reconsider, unless within ten school days of receiving notice of the panel's decision the governing board decides to reinstate the pupil, an adjustment will be made to the school's budget in the sum of £4,000 if the panel has ordered this. In the case of an academy, the school will be required to make an equivalent payment directly to the local authority in whose area the school is located. This payment will be in addition to any funding that would normally follow a permanently excluded pupil.
87. If the governing board offers to reinstate the pupil within the specified timescale but this is declined by the parents, no budget adjustment or payment can be made. The governing board must comply with any direction of the panel to place a note on the pupil's educational record.
88. The clerk must also note, where a pupil is reinstated following a direction or recommendation to reconsider, or would have been reinstated if it had been practical to do so, the permanent exclusion does not count towards the rule that an admission authority may refuse to admit a child who has been permanently excluded twice; nor, in the case of a community or voluntary controlled school, does it count for the

⁷⁷ Paragraphs 240 to 245 gives guidance about [section 51A Education Act 2002](#).

purposes of the rule that the governing board may appeal against the decision of the local authority as the admission authority to admit the child.

89. In the case of either a recommended or directed reconsideration, the governing board must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:

- the parents;

- the headteacher;
- the local authority; and, where relevant, the ‘home authority’.

90. The reconsideration provides an opportunity for the governing board to look afresh at the question of reinstating the pupil, in light of the findings of the IRP. There is no requirement to seek further representations from other parties or to invite them to the reconsideration meeting. The governing board is not prevented from taking into account other matters that it considers relevant. It should, however, take care to ensure that any additional information does not make the decision unlawful. This could be the case, for example, where new evidence is presented, or information is considered that is irrelevant to the decision at hand.

91. The governing board should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the governing board. These minutes should be made available to all parties on request.

92. The governing board should ask any parties in attendance to withdraw before making a decision. Where present, a clerk may stay to help the governing board by reference to their notes of the meeting and with the wording of the decision letter.

93. The governing board should note the outcome of its consideration on the pupil's educational record, and copies of relevant papers should be kept with the educational record.

94. The governing board should base its reconsideration on the presumption that a pupil will return to the school if reinstated, regardless of any stated intentions by the parents or pupil. Any decision of a governing board to offer reinstatement which is subsequently turned down by the parents should be recorded on the pupil's educational record. The governing board's decision should demonstrate how they have addressed the concerns raised by the IRP.

Part thirteen: Statutory guidance to the headteacher, governing board and independent review panel members on police involvement and parallel criminal proceedings

Police involvement and parallel criminal proceedings against a pupil may affect how the exclusion and its review process are conducted, although they must always remain lawful, reasonable, and procedurally fair. This section offers guidance to headteachers, governing boards, and IRP when this is the case.

Guidance for headteachers, governing boards and independent review panels on police involvement and parallel criminal proceedings

95. The headteacher need not postpone taking a decision on a suspension and permanent exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the headteacher will need to take a decision on the evidence available to them at the time. Please see paragraphs 22 and 25 in this guidance. In all cases, schools should follow general safeguarding principles as found in [Keeping children safe in education 2021 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/87121/keeping-children-safe-in-education-2021.pdf).
96. Where the evidence is limited by a police investigation or criminal proceedings, the headteacher should consider any additional steps they may need to take to ensure that the decision to suspend or permanently exclude is fair. However, the final decision on whether to suspend or permanently exclude is for the headteacher to make.
97. Where the governing board is required to consider a reinstatement in these circumstances, it cannot postpone its meeting and must decide whether or not to reinstate the pupil on the evidence available.
98. The fact that parallel criminal proceedings are in progress should also not directly determine whether an IRP should be adjourned. Relevant factors for the panel to consider will include:
- whether any charge has been brought against the pupil and, if so, what the charge is;
 - whether relevant witnesses and documents are available;
 - the likely length of delay if the hearing were adjourned and the effect it may have on the suspended or permanently excluded pupil, the parents, any victim, or the school; and
 - whether an adjournment or declining to adjourn might result in injustice.
99. Where a panel decides to adjourn, the clerk (or local authority/academy trust where a clerk is not appointed) should monitor the progress of any police investigation and/or criminal proceedings and reconvene the panel at the earliest opportunity. If necessary, the panel may adjourn more than once (in line with the requirements summarised in paragraph 213).

Annex A: Further information

Guidance	Link
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Behaviour in Schools	Behaviour in Schools
Governance handbook and competency framework	Governance Handbook
Alternative Provision	Alternative Provision: Statutory guidance for local authorities, as well as headteachers and governing bodies of settings providing alternative provision Education for children with health needs who cannot attend school
Mental health in schools	Mental health and behaviour in schools
Children with Special Educational Needs and Disabilities	SEND Code of Practice: 0 to 25 years Children with special educational needs and disabilities (SEND): Overview
Departmental Advice on attendance	School attendance guidance
Departmental Advice on safeguarding and child protection	Keeping children safe in education Children Missing Education Working Together to Safeguard Children
Departmental Advice on Promoting the education of looked-after and previously looked-after children	Promoting the welfare of looked-after and previously looked-after children Adverse Childhood Experiences training and resources (funded by the Home Office) The designated teacher for looked-after and previously looked-after children
Sharing and publishing information	School to school service: how to transfer information What maintained schools must publish online What academies, free schools and colleges should publish online