

# Suspension & Exclusion Policy

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## Statement of Intent

At Briarwood, we do not believe that exclusion is the most effective way to support learners with Special Educational Needs and Disabilities (SEND) and we will always try to adapt and personalise the provision for all of our pupils in order to ensure that they are able to access education. However, in extreme and exceptional circumstances, taking into consideration risk factors, the Executive Headteacher may need to exclude or suspend a pupil - this will be considered very carefully.

Suspending or excluding a pupil may be required in instances, where allowing the pupil to remain in school would be damaging to the education, safety, and welfare of themselves or others; in all cases, suspending or excluding pupils should be a last resort.

Briarwood has created this policy to clearly define the legal responsibilities of the Executive Headteacher and Governing Board when responding to pupil suspensions and exclusions. This will ensure pupil suspensions and exclusions are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education, despite having been suspended or excluded, by ensuring that appropriate arrangements are in place (see page 17).

A "suspension" is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period. This is also called "fixed-term exclusion". For example, multiple short suspensions: A pupil could be suspended for two days one week, then three days the following week, and one day the week after that; staggered suspensions: A pupil could be suspended for three days, return to school for a week, then be suspended for another two days if behaviour issues persist.

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

## Aims

The aims for the exclusion and suspension policy are:

- To ensure that permanent exclusion is only ever used as a last resort.
- To apply the suspension and exclusion process fairly and consistently.
- To ensure that the suspension and exclusion process is understood by governors, staff, parents and pupils (where this is appropriate).
- To maintain a safe and happy environment for pupils in school.
- To prevent pupils from becoming NEET (not in education, employment or training).
- To ensure that all suspensions and permanent exclusions are carried out lawfully.

- To follow all statutory exclusion procedures to ensure that every pupil receives an education in a safe and caring environment.
- To help governors, staff, parents and pupils understand the exclusion process.
- To ensure that clear minutes are taken of any exclusion meetings as a record of the evidence considered.
- To consider the interests and circumstances of the excluded pupil, the circumstances of the exclusion, and the interests of other pupils and staff when making decisions about exclusions.

## Legal Framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations
- The European Convention on Human Rights (ECHR)

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

- DfE 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

This policy operates in conjunction with the following school policies:

- Behaviour & Pastoral Policy
- Anti-bullying Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Child Protection and Safeguarding Policy



## Roles and Responsibilities

The Governing Board is responsible for:

- Providing information to the Secretary of State and Local Authority (LA) about any suspensions and exclusions within the last 12 months.
- Considering parents' representations about suspensions and exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where a suspension or exclusion would result in a pupil missing a public examination or test, considering the suspension or exclusion before this date.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Arranging for the representation meeting to take place via remote access, where requested by parents or excluded pupils aged 18 and over.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Considering the interests and circumstances of the suspended or excluded pupil, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the school.
- Using the civil standard of proof when establishing the facts relating to a suspension or exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's parents, the Executive Headteacher and the LA of its decision and the reasons for it, without delay.
- Informing parents of relevant sources of information.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil, where directed to do so by the suspensions and exclusions review panel.
- Using data to evaluate the school's practices regarding intervention, suspension and exclusion.

The Executive Headteacher is responsible for:

Only the Executive Headteacher 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 Executive Headteacher will only use permanent exclusion as a last resort.

- Positive behaviour strategies are implemented to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors identified after an incident of challenging behaviour, e.g. if a pupil has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions, e.g. if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, those eligible for Free School Meals (FSM), Looked after Children (LAC) and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of pupils.
- Determining whether a pupil will be suspended or excluded on behavioural grounds, using this as a last resort.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension or exclusion.
- Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a pupil's parents without delay where the decision is taken to suspend or exclude the pupil, including all necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the governor responsible and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the Governing Board once per term of any exclusions in the Executive Headteacher's report to governors.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged.

- Ensuring all suspensions and exclusions will be formally recorded on the school's Management Information System (MIS).
- Arranging an emergency Education Health and Care Plan (EHCP) review meeting following a pupil's exclusion or suspension.
- Ensuring a revised Optimum Learning Map (OLM) and Risk Assessment (RA) are completed after a suspension or exclusion.
- Conducting a phone call or face-to-face meeting with parents following a suspension or exclusion.
- Preparing a costed provision map in case of suspension for the LA.

## Duties under the Equality Act 2010 and Children and Families Act 2014

At Briarwood school, we are particularly mindful of our obligations under the Equality Act 2010 and the Children and Families Act 2014. In accordance with these acts and the Equality Act 2010: advice for schools - GOV.UK ([www.gov.uk](http://www.gov.uk)):

- We are committed to not discriminating against, harassing, or victimising our pupils because of any protected characteristics, including their disability. This commitment extends to all aspects of school life, including exclusion decisions.
- We recognise our duty to make reasonable adjustments for our pupils, all of whom have SEND. This includes adapting our provision, criteria, and practices to remove substantial disadvantages, as well as providing necessary auxiliary aids and services.
- In carrying out our functions, we adhere to the public sector equality duty, which requires us to have due regard to:
  - Eliminating discrimination, harassment, victimisation, and other prohibited conduct
  - Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not
  - Fostering good relations between people who share a relevant protected characteristic and those who do not
  - We regularly publish information demonstrating our compliance with the Public Sector Equality Duty (PSED) and set equality objectives specific to our SEND context, updating these at least every four years. Please read this policy along with the anti-racism policy.
  - Our duty applies to all school functions, and we consciously assess the equality implications of our decisions and policies, particularly in relation to SEND.
  - We maintain detailed records of the steps taken to meet our equality duties, ensuring transparency and accountability.

- We actively work to tackle prejudice and promote understanding among our pupils, staff, and wider community, fostering an inclusive environment that celebrates neurodiversity and different abilities.
- In line with the Children and Families Act 2014, we place particular emphasis on supporting and involving our pupils and their parents or carers in decisions that affect them, ensuring their voices are heard and respected in all aspects of school life, including any exclusion processes.

## Grounds for Suspension or Exclusion

This section outlines the circumstances under which a pupil's behaviour may reach a threshold that could lead to a fixed-period suspension or, in the most serious cases, permanent exclusion. It is important to note that exclusion is a serious sanction and will only be considered as a last resort, in line with statutory guidance.

As part of our school's incident reporting system, we categorise certain behaviours as "Red Behaviours." These are actions that could potentially cause significant harm, including major injury to individuals or long-term absences from work. Examples of behaviours that may fall into this category include, but are not limited to: hair pull leading to major injury; headbutt leading to major injury; kick to the head leading to major injury; hair pull and take staff to floor leading to major injury; punch nose or face leading to major injury; racial or discriminatory comments; self-injury leading to major injury; strangling with intent leading to major injury; use of weapons leading to major injury; and use of weapons to self-injure leading to major injury. The presence of one or more "Red Behaviours" will always trigger a thorough investigation and may ultimately lead to exclusion.

As per Department for Education (DfE) guidance, permanent exclusion may be considered in response to a serious breach or persistent breaches of the school's behaviour and pastoral policy, or where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. Before considering suspension or permanent exclusion, the school will always seek to demonstrate that it has taken proactive steps to address the pupil's behaviour, unless an extreme incident warrants immediate exclusion to safeguard others. This may include implementation of individualised behaviour and pastoral support plans, referral to internal or external support services, adjustments to the learning environment, restorative approaches, involving parents or carers in collaborative problem-solving, and EHCP reviews or requests for assessment if the behaviour suggests a need for additional support.

It's crucial to note that for our pupils, any consideration of suspension or exclusion will take into account:

- The pupil's individual needs and vulnerabilities
- Whether the behaviour is a direct result of their SEND
- The effectiveness of reasonable adjustments and support strategies
- The potential impact of suspension or exclusion on the pupil's wellbeing and education

The school recognises that some pupils may experience challenges with cognitive processing or communication, which can affect their understanding of their actions and the world around them. In determining whether to suspend or permanently exclude a pupil, the school will always consider the pupil's individual circumstances, including their level of understanding regarding the potential consequences of their behaviour, whether there

was an intent to cause harm, and any mitigating factors related to their cognitive abilities, mental health, sensory needs, communication differences, or any requirement for reasonable adjustments. The school will always strive to understand the reason behind the behaviour.

It is important to emphasise that even when a pupil engages in a “Red Behaviour,” exclusion is not an automatic consequence. Each case will be considered individually, taking into account all relevant factors, including the pupil's history, the context of the incident, and any mitigating circumstances. The final decision will rest with the Executive Headteacher, in consultation with the Governing Board, and will be made in accordance with this policy and relevant legislation.

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

The pupil has the right to make their own representation, if appropriate for their age and understanding.

## **Cancelling Exclusions**

Where a suspension or exclusion is cancelled, the Executive Headteacher will notify the parents, the Governing Board, the LA, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The notification will also provide the reason for the cancellation. The Executive Headteacher will offer the pupil's parents a reintegration meeting so they have the opportunity to discuss the circumstances that led to the cancellation of the exclusion. The pupil will be allowed back into school without delay, with appropriate support in place to ensure a smooth reintegration.

Any decision to cancel a suspension or exclusion will take into account the pupil's specific needs as outlined in their EHCP. The school will work closely with parents, carers, and relevant professionals to review the pupil's EHCP as necessary. An interim or emergency review of the EHCP will be requested if it is determined that additional support or changes to provision are needed to address the behaviour that led to the suspension or exclusion.

If an exclusion is cancelled, this can only occur in line with statutory guidance: the governing board must not yet have met to consider reinstatement and the 45-day limit must not be breached. Where a change of placement is being progressed through the EHCP process, the school will work with the local authority and parents to agree the most appropriate plan for education and transition, including any interim arrangements.

When a suspension or exclusion is cancelled, the Governing Board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement. However, steps will be taken to ensure our pupils' needs are being met effectively and that any necessary adjustments are made.

Any days spent out of school as a result of a suspension or exclusion prior to it being cancelled will count towards the maximum 45 school days that a pupil can be suspended or excluded in an academic year. A permanent exclusion will not be cancelled if the pupil has already been suspended or excluded for more than 45 school days in an academic year or if they will have been so by the time the cancellation takes effect.

The Executive Headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the Governing Board once per term. This report will include details on how decisions were made in relation to our pupils' EHCPs and what steps were taken to address their needs.

## A Note on Off-Rolling

'Off-rolling' is a form of gaming and occurs where a school makes the decision, in the interests of the school and not the pupil, to:

- Remove a pupil from the school roll without a formal, permanent exclusion, or
- Encourage a parent to remove their child from the school roll, or
- Encourage a sixth-form student not to continue with their course of study, or
- Retain a pupil on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension

Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure contained in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2023, or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a pupil's poor academic performance, or
- Because the pupil hasn't met a specific condition, such as attending a reintegration meeting. If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off rolling'.

## Factors to Consider when Suspending or Excluding a Pupil

When considering the suspension or exclusion of a pupil, the Executive Headteacher will:

Allow the pupil the opportunity to present their case once evidence has been collected, taking into account their communication needs as outlined in their EHCP.

- Take into account any contributing factors identified after a case of poor behaviour, e.g. changes in the pupil's home situation, health issues, or instances of bullying.
- Consider whether suspension or exclusion is serving as an effective sanction, given the pupil's individual needs and circumstances.
- Review the pupil's EHCP and consider whether all provisions are being met effectively.
- Liaise with external agencies to reassess pupils who demonstrate consistently challenging behaviour.

The Executive Headteacher will consider what extra support may be available for vulnerable pupil groups whose suspension and exclusion rates are higher, to reduce their risk of suspension or exclusion, including:

- LAC (see Appendix 1)
- Pupils eligible for FSM
- Certain ethnic groups

The Executive Headteacher will consider avoiding excluding LAC or pupils with certain types of SEND. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Executive Headteacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of unmet educational needs or other vulnerabilities.

Where behavioural issues are identified, an Optimum Learning Map (OLM) will be updated using the graduated response process outlined in the school's Behaviour & Pastoral Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered as a last resort.

In accordance with the Equality Act 2010, where SEND-related needs are identified, suspension or exclusion will normally only be considered after the graduated response has been implemented and reasonable adjustments have been considered. However, in exceptional circumstances where immediate action is necessary to safeguard pupils or staff, the Executive Headteacher may need to act without delay.

Where a pupil is excluded because their needs could not be met at the school, detailed records will be kept highlighting that these pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination.

The Executive Headteacher will work in conjunction with the parents of any pupil to establish the most effective support mechanisms.

## **Preventative Measures**

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

## **Off-site Direction**

Under the Education Act 2002, the governing board may require any registered pupil to attend at any place outside the school premises for the purpose of receiving educational provision intended to improve their behaviour.

The governing board and the Executive Headteacher will decide, in communication with the pupil and their parents, whether off-site direction is an appropriate solution to manage a pupil's behaviour and avoid suspension or exclusion. Where all parties agree to this course of action, the school will work with the pupil where this is appropriate and their parents to discuss and agree a plan for the off-site direction, including a proposed

maximum period of time that the pupil will be at the alternative provision and any alternative options that will be considered once the time limit has been reached.

The Governing Board will notify parents and the LA in writing with information about the placement no later than two school days before the relevant day.

The school will keep any off-site placements under review by holding review meetings at intervals deemed appropriate by the Governing Board. The Governing Board will ensure, where possible, that review meetings are convened at a time suitable for the pupil's parents, and will invite parents in writing to each review meeting no later than six days before that date.

## Managed Moves

Where it is thought to be in a pupil's best interest to transfer them to another special school permanently, the Executive Headteacher and Governing Board will discuss this with the parents of the pupil and the LA. Managed moves will only go ahead with the voluntary agreement of all parties involved, including the parents and the admission authority of the new school.

The school will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. The school will participate in information sharing with the pupil's new school, including sending data on prior and current attainment, academic potential, EHCP details, and any risk management strategies.

Parents who have concerns that a managed move is being forced on them or who are unhappy with a managed move will be referred to the Complaints Policy and Procedure.

## Duty to Inform Parents

Following the Executive Headteacher's decision to suspend or exclude a pupil, they will immediately inform the parents, or the excluded pupil if they are 18 or older, in person or by telephone, supported by email communication, of the period of the suspension, or permanency of the exclusion, and the reasons behind this, ensuring that the communication is accessible and sensitive to their needs.

The Executive Headteacher will inform the parents in writing (or electronically if written permission has been received from the parents for notices to be sent this way) of the following:

- The reasons for the suspension or exclusion, explained clearly and accessibly.
- The length of the suspension or permanency of the exclusion.
- Their right to raise any representations about the suspension or exclusion to the Governing Board, including how the pupil will be involved in this, how the representations will be made, and what support is available to facilitate their participation.
- Their right to make a request to hold the meeting via remote access and how this request can be made.

- Their right to attend a meeting where there is a legal requirement for the Governing Board to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual.
- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school, ensuring the plan takes into account their EHCP.
- Relevant sources of free, impartial information, including those specific to SEND.

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

Where the Executive Headteacher has arranged alternative provision, they will also inform the parents of the following:

- The start and end date for any provision of full-time education, ensuring it is suitable for their specific SEND needs.
- The address at which the provision will take place.
- Any information necessary for the pupil to identify the person they should report to on the starting date.

Where the Executive Headteacher is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision. If the alternative provision is due to begin before the sixth day of the suspension or exclusion, the Executive Headteacher is able to give less than 48 hours of notice, with parental consent.

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

## **Duty to Inform the Governing Board and LA**

The Executive Headteacher will inform the Governing Board, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the pupil).
- Any suspensions which would result in the pupil being suspended for more than 5 school days in a term (or more than 10 lunchtimes).
- Any suspensions or exclusions which would result in the pupil being absent from an examination or national curriculum test.

For any suspensions and exclusions, other than those above, the Executive Headteacher will notify the Governing Board once per term.

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

All notifications to the Governing Board and LA will include the reasons for suspension or exclusion, the duration of any suspension, and information on how the pupil's SEND was considered during the process.

If a pupil who is suspended or excluded lives outside the LA in which the school is located, the Executive Headteacher will notify the pupil's 'home authority'.

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

When a pupil has been suspended or excluded, the Executive Headteacher will, without delay, notify the pupil's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion, as well as information on how the pupil's SEND was considered during the process.

Social workers and/or the VSH will also be informed when a meeting of the Governing Board is taking place and will be invited to attend the meeting should they wish to do so.

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

## **Arranging Education for Suspended and Excluded Pupils**

For suspensions of more than five school days, the Governing Board must arrange suitable full-time education for any pupil of compulsory school age, beginning no later than the sixth school day of the suspension.

For permanent exclusions, the Local Authority (LA) is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

As all our pupils have EHCPs, the LA may need to review the plan or reassess the pupil's needs, in consultation with parents, to identify a new placement following a permanent exclusion.

During the first five days of a suspension or permanent exclusion:

- The school will set and mark work for the pupil, ensuring it is accessible and appropriate to their needs as outlined in their EHCP.
- For looked-after children or those with a social worker, the school and LA will work together to arrange alternative provision from the first day following the suspension or exclusion.

The Governing Board should ensure clear processes are in place to comply with its legal duty for suspensions, including:

- Assuring the suitability and full-time nature of the education provided
- Quality assuring provision and evaluating previous placements, including support for the pupil's specific SEND needs
- Monitoring the pupil's attendance and behaviour at the provision
- Ensuring correct attendance codes are used
- Securely transferring the pupil's child protection file and relevant safeguarding information to the new setting

## Considering Suspensions and Exclusions

The Governing Board will consider any representations made by parents regarding suspensions and exclusions.

Parents and, where requested, a friend or representative, the Executive Headteacher, and a member of the LA will be invited to attend any consideration of suspensions and exclusions and will be able to make representations.

Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties and in compliance with any statutory time limits. Parents, and excluded pupils if they are over 18, will also be able to request that the meeting is held via remote access.

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

The Governing Board will consider the reinstatement of a suspended or excluded pupil where:

- The exclusion is permanent.
- The suspension is fixed-period and would bring the pupil's total number of suspended school days to more than 15 in any given term.

In the case of a suspension where the pupil's total number of suspended days is more than 5 but less than 16 school days (this includes suspensions that exceed 15 school days by less than a whole day, e.g., one that totals 15.5 days) within a term, if parents make representations, the Governing Board will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents the board is not required to meet or direct reinstatement.

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

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

In light of the above, the Governing Board will also consider whether it would be appropriate to allow the suspended or excluded pupil to enter the premises to take the examination, with any necessary support and accommodations as outlined in their EHCP.

When considering the reinstatement of a pupil, the Governing Board will:

- Only discuss the suspension or exclusion with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow pupils (where appropriate) and parents to be accompanied by a person of their choice to the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting, considering the pupil's specific needs outlined in their EHCP.
- Identify the steps needed to enable and encourage the suspended or excluded pupil to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the pupil, including the grounds for suspension or exclusion and their SEND needs, as outlined in their EHCP.

## Reaching a Decision

After considering suspensions and exclusions, the Governing Board will either:

- Decline to reinstate the pupil.
- Direct the reinstatement of the pupil immediately or on a specified date, with a plan for reintegration and support.

If reinstatement would make no practical difference, e.g., if the pupil has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the Governing Board will still consider whether the pupil should be officially reinstated and whether the Executive Headteacher's decision to suspend or exclude the pupil was fair, lawful and proportionate, based on the evidence presented, and whether appropriate consideration was given to their SEND, with the outcome shared with all relevant parties.

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

To reach a decision, the Governing Board will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.

- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the suspension or exclusion of the pupil was lawful, proportionate and fair, taking into account the Executive Headteacher's legal duties and any evidence that was presented to the Governing Board in relation to the decision, with particular attention to the consideration of their SEND.
- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
- Inform the LA of the outcome.
- Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the pupil.

According to Bristol City Council guidance, a suspension cannot be converted into a permanent exclusion, but a permanent exclusion can be issued immediately after the suspension period has ended. For example, a pupil could be suspended and a permanent exclusion issued the day after the suspension ends. This is not a conversion and is legitimate.

## Notification of Considered Suspensions and Exclusions

The Governing Board will notify the parents of the suspended or excluded pupil, the Executive Headteacher, and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay.

In the case of exclusion, where the Governing Board decides not to reinstate the pupil, they will notify the parents:

- That the exclusion is permanent.
- Of their right for it to be reviewed by an independent review panel. To request this, email [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk)
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That a request to hold the meeting via remote access can be made and how to do this.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion.
- That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the Governing Board to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.

- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

The Governing Board will also notify parents that, if they believe a suspension or exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

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

## Removing Excluded Pupils from the School Register

The Executive Headteacher will remove pupils from the school register if:

- 15 school days have passed since the parents were notified of the Governing Board's decision not to reinstate the pupil and no application for an independent panel review has been received.
- The parents have stated in writing that they will not be applying for an independent panel review following an exclusion.

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

If a pupil's name is to be removed from the register, the Executive Headteacher will make a return to the LA, which will include:

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

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

If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

## Returning from a Suspension

Following suspension, or cancelled suspension or exclusion, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education, taking into account their individual needs as outlined in their EHCP.

As all our pupils have EHCPs, the school will work closely with parents/carers, the Local Authority, and relevant third-party organisations to review and, if necessary, update the EHCP to ensure it accurately reflects the pupil's current needs and required support.

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

- Maintaining regular contact during the suspension and welcoming the pupil back to school
- Daily check-ins with a designated school stakeholder such as the class teacher or Head of School, familiar with the pupil's needs
- Reviewing and adjusting the pupil's Optimum Learning Map and Risk Assessment
- Regular reviews with the pupil, parents/carers, and relevant professionals to monitor progress and address any concerns promptly
- Informing the pupil, parents/carers and staff of potential external support specific to the pupil's needs

Part-time timetables will only be used in exceptional circumstances and for the minimum time necessary, as part of a planned reintegration strategy.

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

The school will clearly explain the reintegration strategy to the pupil and their parents/carers in a reintegration meeting before or on the pupil's return to school.

The meeting should ideally be held the day before the pupil is expected to return to school, ensuring their first day back is a complete 'fresh start'.

If parents/carers have English as an additional language or belong to the Gypsy, Roma, and Traveller community, additional steps will be taken to support understanding and participation in the reintegration process.

The school expects all returning pupils and their parents/carers to attend their reintegration meeting. However, if parents/carers cannot attend, alternative arrangements will be made to ensure their involvement in the reintegration process.

The reintegration meeting will focus on:

- Welcoming the pupil back to school
- Reviewing and updating the pupil's EHCP if necessary
- Discussing any changes or additional support needed
- Setting clear, achievable goals tailored to the pupil's individual needs
- Ensuring all staff working with the pupil are aware of any changes or additional support required

## Independent Review Panel

The LA will review the Governing Board's decision not to reinstate a permanently excluded pupil if the parents submit their application within the required time frame.

The LA will constitute an independent review panel of three or five members that represent the following categories:

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- A current or former school governor who has served for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during that time
- A headteacher or individual who has been a headteacher within the last 5 years

Parents are required to submit their applications within:

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

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

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

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

For pupils with EHCPs:

- Parents have the right to require the LA to appoint a SEN expert to advise the review panel, regardless of whether the school recognises the pupil as having SEN
- The SEN expert's role is to provide impartial advice to the panel on how special educational needs may be relevant to the exclusion
- When identifying alternative provision, the pupil's EHCP must be reviewed or the pupil's needs reassessed, in consultation with parents

The panel will apply the following tests when reviewing the Governing Board's decision:

- Illegality - did the Governing Board act outside the scope of its legal powers?
- Irrationality - was the decision so unreasonable that no Governing Board acting reasonably could have made it?

- Procedural impropriety - was the process of exclusion and the Governing Board's consideration so unfair that justice was clearly not done?

The panel can decide to:

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

The LA will ensure all panel members and clerks receive suitable training, including on the requirements of the Equality Act 2010.

## Appointing a SEND Expert

If requested by parents in their application for an independent review panel, the LA will appoint a SEND expert to attend the panel and covers the associated costs of this appointment. Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

The LA will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

An individual will not serve as a SEND expert if they have, or at any time have had, any connection with the LA, school, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the LA.

The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals include educational psychologists, specialist SEND teachers, SENCOs and behaviour support teachers.

Recently retired individuals are not precluded from fulfilling this role; however, during interview, the LA will assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the LA, they will not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The LA will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

The final decision on the appointment of a SEND expert is for the LA to make, but it will take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents a choice of SEND expert. In order to meet its duties within the statutory time frame, the LA will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.

The LA will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

## The Role of the SEND Expert

The SEND expert's role is analogous to an expert witness, providing (orally and/or written) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the pupil's SEND.

The focus of the SEND expert's advice will be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the pupil's exclusion.

Where the school's application of SEND support is called into question, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way, and any contribution that this could have made to the circumstances of the pupil's exclusion.

The SEND expert will not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

## Appointing a Clerk

The LA will decide whether to appoint a clerk to the independent review panel or to make alternative arrangements to administer the panel.

Where a clerk is appointed, the LA will ensure that the clerk did not serve as clerk to the Governing Board when the decision was made not to reinstate the pupil.

## The Role of the Clerk

The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.

The clerk will:

- Identify, in advance of the meeting, whether the excluded pupil wishes to attend the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance.
- Identify, in advance of the meeting, whether any alleged victims of the incident leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.
- Ensure that the panel is able to hear from any witnesses to the incident leading to the exclusion, taking into account the fact that some of these people may be pupils at the school. Pupils under 18 will not be allowed to appear in person without parental consent.

- Inform the parents, Executive Headteacher and Governing Board that they are entitled to make oral and written representations to the panel, attend the hearing and be represented.
- Inform the LA that it is entitled to make oral and written representations to the panel, attend the hearing, and be represented.
- Ensure that all parties are:
  - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
  - Informed about who is attending the meeting and what their roles are.
- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.

Where a clerk is not appointed, the LA will undertake the functions outlined above.

## The Duties of the Independent Review Panel

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

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

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

The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents, Governing Board, Executive Headteacher and LA.

## Conducting Governing Board Meetings or Independent Review Panels via Remote Access

Parents, or excluded pupils if they are 18 or older, will be able to request that Governing Board meetings or independent review panels are held via remote access; however, parents and pupils will be made aware that this is not the default option.

Where a parent or pupil makes a request correctly in line with instructions set out in the Executive Headteacher's or Governing Board's written notification, the Governing Board or LA will hold the meeting via the use of remote access.

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

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

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

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

If there are technological or internet issues during a remote meeting which compromises the ability for participants to be seen or heard or prevents the meeting from being held fairly and transparently and it is not reasonable for a meeting or panel to be held in person, it may be held via remote access.

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

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

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

## Reconsidering Reinstatement Following a Review

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

The school is aware that if, following an instruction to reconsider, the Governing Board does not offer to reinstate the pupil, then a £4,000 adjustment will be made to the school's budget.

Where the independent review panel recommends that the Governing Board should reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision. The school is aware that if, following a recommendation to reconsider, the Governing Board does not offer to reinstate the pupil, it will not be subject to a financial adjustment. If, following reconsideration, the Governing Board offers to reinstate the pupil but the parents decline, no adjustment will be made to the school's budget.

Following reconsideration, the Governing Board will notify the parents, Executive Headteacher and LA of their reconsidered decision and the reasons for this.

## Criminal Investigations

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

Particular consideration will be given by the Executive Headteacher when deciding to suspend or exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the Governing Board is required to consider the Executive Headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

## Training Requirements

The LA will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review. Training will cover:

- The requirements of the legislation, regulations and statutory guidance governing suspensions and exclusions.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair of a review panel.
- The role of the clerk to a review panel.
- The duties of Executive Headteachers, Governing Boards and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act.
- The requirements of the SEND Code of Practice, particularly in relation to pupils with EHCPs.

Clerks will also have an up-to-date understanding of developments in case law which are relevant to suspension and exclusion, particularly in relation to SEND.

## Using Data

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

- Consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- Gather information on pupils who are taken off the roll and those who are on the roll but attending education off-site.

- Consider the effectiveness and consistency in implementing the Behaviour & Pastoral Policy, taking into account the specific needs of pupils with EHCPs.
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Understand the characteristics of suspended and excluded pupils and evaluate equality considerations, particularly in relation to SEND.
- Gather information on where pupils are receiving repeat suspensions.
- Evaluate interventions in place to support pupils at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.
- Analyse 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 meeting the pupils' SEND needs.

## Monitoring and Review

This policy will be reviewed annually by the Executive Headteacher in conjunction with the Governing Board. The next scheduled review date for this policy is February 2027.

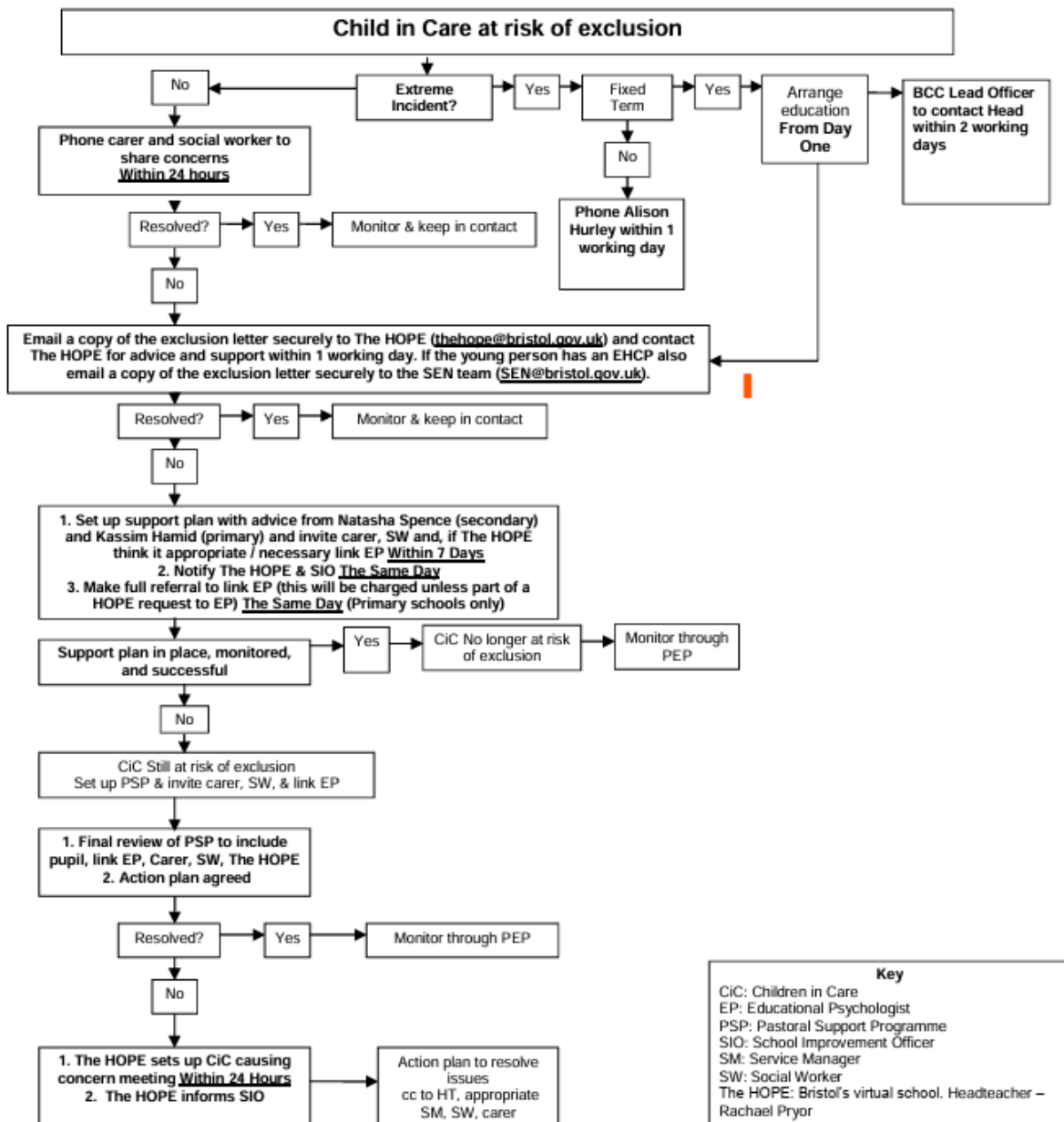
All members of the senior and executive leadership team will be required to familiarise themselves with this policy as part of their induction programme as well as the governing body.

## Appendix 1: Process for Children in Care (CiC)



### Supporting Children in Care

#### Process for reducing Fixed Term Exclusion of Children in Care



## Appendix 2: Governor Board Meetings

<p>All permanent exclusions</p>	<p>The board must consider and decide whether to reinstate the pupil within 15 school days of receiving notice of the exclusion.</p>
<p>When a suspension would bring a pupil's total days out of school to more than 15 in a term</p>	<p>The board must consider and decide whether to reinstate the pupil within 15 school days of receiving notice of the suspension.</p>
<p>When a suspension would bring a pupil's total days out of school to more than 5 but not more than 15 in a term</p>	<p>If parents make representations, the board must consider and decide whether to reinstate the pupil within 50 school days of receiving notice of the suspension. If parents do not make representations, the board is not required to meet or direct reinstatement.</p>
<p>When a suspension brings a pupil's total days out of school to 5 or fewer in a term</p>	<p>If parents make representations, the board must consider them but cannot direct reinstatement and is not required to arrange a meeting with parents. If parents do not make representations, the board is not required to meet or direct reinstatement.</p>

Appendix 3: Exclusions Process flowchart

