THE DERBY
— HIGH SCHOOL —
Inspired to make a difference

Suspension and Exclusion Policy

SLT Responsible:	D White	Date of Review:	Autumn 2026	Next Review:	Autumn 2027
Statutory / Non-Statutory:	Statutory	Website:	No	Review Frequency:	Annually

Version Control & Amendment History

Version/ Issue No.	Date	Author	Remarks / Reason for Change
1	November 2023	D White	Original document
2	October 2024	D White	Updates
3	October 2025	D White	No change
4	October 2026	D White	Updated legal framework Further revised for academy status within Prestolee Multi Academy Trust, including Trust review-panel responsibilities and governance delegation. Summary of changes **Legal framework** Updates references to exclusion, safeguarding, attendance and alternative-provision guidance and regulations. **Grounds for exclusion** Clarifies that permanent exclusion is a last resort and requires both a serious or persistent breach of the Behaviour Policy and serious harm from allowing the pupil to remain. Every other sanction does not have to be exhausted before responding to a serious incident. **Trust governance (*Some question marks here from DW*)** Identifies Prestolee Multi Academy Trust's accountability and distinguishes Trust, authorised committee, local governing body and LA responsibilities. **Governor reviews** Clarifies the 15-school-day and 50-school-day review arrangements and the need to consider reinstatement before examinations where reasonably practicable. Reinstatement decisions must be made by an authorised body. **SEND and SEMH** Strengthens consideration of needs, reasonable adjustments, support and further assessment. Clarifies that completing every stage of support is not a prerequisite to a lawful disciplinary decision.

			Preventing informal exclusion States that part-time timetables, pressure to home educate and coerced managed moves must not bypass formal procedures. Return after suspension cannot depend on parents attending a reintegration meeting. **Off-site provision** Clarifies its purpose, placement planning, parental involvement, written notices, review arrangements and reintegration. Distinguishes temporary off-site direction from a voluntary permanent managed move. **Notifications** Makes it clear that alternative-provision notice to at least 48 hours before provision starts, subject to the stated exception. Clarifies notification of the pupil's home LA following permanent exclusion. **Independent reviews** Assigns responsibility for arranging and funding independent reviews, requested SEN experts, clerking and relevant training to the Trust. Adds independence and conflict-of-interest safeguards. **Remote hearings and financial consequences** Updates responsibility for fair remote hearings and explains when the Trust must make the £4,000 payment, distinguishing a directed reconsideration from a recommendation. **Staff awareness (*New suggested addition)*** Highlights the requirement for staff to familiarise themselves with the policy during induction.

Contents:

Statement of intent

1. Legal framework
2. Roles and responsibilities
3. Grounds for suspension or exclusion
4. The headteacher's power to suspend and exclude
5. Factors to consider when suspending or excluding a pupil
6. Preventative measures
7. Duty to inform parents
8. Duty to inform the governing board and LA
9. Duty to inform social workers and the virtual school head (VSH)
10. Arranging education for suspended and excluded pupils
11. Considering suspensions and exclusions
12. Reaching a decision
13. Notification of considered suspensions and exclusions
14. Removing excluded pupils from the school register
15. Independent review panel
16. Appointing a SEND expert
17. The role of a SEND expert
18. Appointing a clerk
19. The role of the clerk
20. The duties of the independent review panel
21. Conducting governing board meetings or independent review panels via remote access
22. Reconsidering reinstatement following a review
23. Criminal investigations
24. Training requirements
25. Using data
26. Monitoring and review

Appendix

A. Flowchart for reviewing the headteacher's suspension or exclusion decision

Statement of intent

At The Derby High School, we understand that good behaviour and discipline is essential for promoting a high-quality education.

The school uses proportionate disciplinary sanctions and support to promote good behaviour. Suspension may be used on disciplinary grounds where justified by the circumstances. Permanent exclusion is a last resort and requires both a serious breach or persistent breaches of the Behaviour Policy and a finding that allowing the pupil to remain would seriously harm the education or welfare of the pupil or others in the school.

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

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

An **"exclusion"** is defined as the permanent removal of a pupil from the school, 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 pupils or staff in the school.

1. 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
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, as amended, including the 2023 amendments
- 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 (2026) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2024) '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'
- School Attendance (Pupil Registration) (England) Regulations 2024
- Education (Educational Provision for Improving Behaviour) (England) Regulations 2010, as amended, including the 2026 amendments
- DfE (2026) 'Keeping children safe in education'
- DfE (2026) 'Working together to improve school attendance'
- DfE 'Arranging alternative provision a guide for local authorities and schools' (current version)
- *? Prestolee Multi Academy Trust articles of association, current scheme of delegation, policy delegation arrangements and applicable funding agreement?*

This policy operates in conjunction with the following school policies:

- Behaviour Policy (including Anti-bullying section)
- Pupil 'Expectations and Consequences' Code
- Special Educational Needs and Disabilities (SEND) Policy
- Social, Emotional and Mental Health (SEMH) Policy
- Child Protection and Safeguarding Policy

2. Roles and responsibilities

?The Derby High School is an academy within Prestolee Multi Academy Trust (the Trust). The Trust board retains legal accountability. In this policy, 'governing board' means the Trust board or a committee authorised under its articles and current scheme of delegation; it does not confer powers on the local governing body. The Trust governance professional will confirm the authorised panel and approval route before action is taken. LA duties for notifications, SEND and education following permanent exclusion remain distinct.?

The LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of CLA (Looked after children) .
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing pupils' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.

?The Trust is responsible for:

- *Arranging for an independent review panel hearing to review the decision of the governing board not to reinstate a permanently excluded pupil where required.*
- *Arranging for the independent review panel hearing to be held via remote access where requested by parents or excluded pupils aged 18 and over.*
- *Arranging the hearing without delay at a time, date and venue convenient for all parties.*

- *Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories.*
- *Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.*
- *If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.?*

The governing board is responsible for:

- Providing information to the Secretary of State and LA about any suspensions and exclusions within the last 12 months.
- Arranging suitable full-time education for any pupil of compulsory school age who is suspended, where required.
- Considering reinstatement within 15 school days where required, or within 50 school days for suspensions totalling more than five but not more than 15 school days in a term where parents make representations, as detailed below.
- Taking reasonable steps to consider reinstatement before a public examination or national curriculum test where the suspension or permanent exclusion would cause the pupil to miss it.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Arranging for the representation meeting to take place via remote access where requested by parents 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 (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's parents, the headteacher and the LA of its decision and the reasons for it, without delay.
- Where appropriate, informing parents of where to apply for an independent review panel.
- 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 clerk (Where one is appointed) to the suspensions and exclusions review panel is responsible for:

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

The headteacher is responsible for:

- Implementing good levels of discipline 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 that are identified after an incident of poor behaviour has occurred, 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 as sanctions, 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 FSM, CLA and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be suspended or excluded on disciplinary grounds.
- Considering cancellation of a suspension or permanent exclusion before the governing board has reviewed it, following the notification and readmission requirements set out below.
- 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 the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the governing board and LA in accordance with the thresholds and timescales below, and notifying the home LA without delay following a permanent exclusion where it differs from the school's LA.
- Notifying the governing board once per term of any exclusions in the headteacher's report to governors.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged.

3. Grounds for suspension or exclusion

The school will consider preventative support and proportionate sanctions. A decision to suspend or permanently exclude must be lawful, reasonable, fair and proportionate. It is not necessary to exhaust every other sanction before responding to a serious incident. Permanent exclusion remains a last resort and must meet both conditions in the definition above.

The following examples of behaviour may warrant the decision to suspend or exclude a pupil:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item

- Bullying
- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse

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 headteacher will decide whether a pupil will be subject to a suspension or an exclusion, depending on what the circumstances warrant.

The school has the power to direct a pupil off-site to improve their behaviour.

4. The Headteacher's power to suspend and exclude

Only the headteacher has the power to suspend or exclude a pupil from the school, and is able to decide whether either a suspension or exclusion is appropriate. All suspensions and exclusions will only be issued on disciplinary grounds.

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

When sending a pupil home following any suspension or exclusion, the headteacher will ensure that they exercise their duty of care at all times and will always inform the parents.

Any decision made to suspend or exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the school's wider legal duties, including the ECHR. At all times, the headteacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds and will not increase the severity of a pupil's suspension or exclusion on these grounds.

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

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

Where a suspension or exclusion is cancelled, the headteacher will notify the pupil's 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 headteacher will offer the pupil's parents the opportunity to meet with the headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school without delay.

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.

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 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, to allow the governing board to have appropriate oversight.

The headteacher will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g. sending a pupil home to 'cool off', regardless of whether the parents have agreed to this. The headteacher will not use the threat of suspension or exclusion as a means of instructing parents to remove their child from the premises.

The school will not use part-time timetables, pressure to home educate, or coerced managed moves to avoid the formal exclusion process. A pupil's return after suspension will not depend on parental attendance at a reintegration meeting. The school will offer reintegration support and review it with the pupil and parents.

All suspensions and exclusions will be formally recorded on SIMs

5. Factors to consider when suspending or excluding a pupil

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

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

The 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 the following:

- CLA
- Pupils eligible for FSM
- Pupils with SEND
- Certain ethnic groups

The headteacher will consider avoiding excluding CLA, those with SEMH issues or pupils with an EHC plan. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the headteacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational,

mental health or other needs and vulnerabilities. The full assessment procedures are outlined in the school's Social, Emotional and Mental Health (SEMH) Policy.

Where SEND or SEMH needs are identified or suspected, staff will use the graduated approach to assess needs, plan support and review its impact, involving the SENCO, parents and relevant professionals. Before any suspension or permanent exclusion, the headteacher will consider contributing needs, reasonable adjustments, support already provided and whether further assessment or support is appropriate. SEND does not create an automatic exemption from disciplinary sanctions, but decisions must comply with the Equality Act 2010 and SEND duties; completion of every stage of support is not a legal prerequisite to a lawful decision.

A pupil must not be suspended or permanently excluded simply because the school feels unable to meet their SEND or disability-related needs. Where needs or provision require review, the school will work with the SENCO, parents and LA, including seeking an early EHC plan review where appropriate. Any disciplinary decision will be assessed separately against the lawful grounds for suspension or permanent exclusion.

The headteacher will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

6. Preventative measures

Before taking a final decision to exclude, the 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

The governing board may direct a pupil to attend temporary off-site educational provision to improve future behaviour, under section 29A of the Education Act 2002 and applicable regulations. Off-site direction is not a punishment for past misconduct or a means of removing a pupil from the roll. It will be considered where in-school interventions or outreach have been unsuccessful or are inappropriate.

The school will discuss the proposed placement with the pupil and parents, take account of their views, and agree objectives, a proposed maximum duration and a reintegration plan with the provider. A lawful off-site direction does not depend on parental agreement; a permanent managed move requires voluntary agreement. The provision must meet the pupil's educational, safeguarding and SEND needs and provide a broad and balanced education.

Parents, or the pupil if aged 18 or over, and the LA where the pupil has an EHC plan, will receive written notice as soon as practicable and no later than two school days before the placement starts. It will state the address, reporting contact, days required, session times, and reasons and objectives.

The governing board will review the placement and reintegration plan at intervals appropriate to the pupil's needs. Parents, or pupils aged 18 or over, and the LA where the pupil has an EHC plan, will be invited in writing at least six days before each review. They may request a

review in writing; the board will arrange one as soon as reasonably practicable unless a review has already taken place within the preceding 10 weeks.

At each review, the governing board will decide whether the direction should continue, for how long, and when it will next be reviewed. Decisions and reasons will be recorded and notified in writing to parents, or the pupil aged 18 or over, and the LA where the pupil has an EHC plan, no later than six days after the review. The school will monitor attendance, progress, safety and the effectiveness of the provision.

Managed moves

Where it is thought to be in a pupil's best interest to transfer them to another mainstream school permanently, the headteacher and governing board will discuss this with the parents of the pupil, and the LA if the pupil has an EHC plan – 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 and any risk management strategies. The school will also cooperate with the pupil's new school to create an effective integration strategy.

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.

7. Duty to inform parents

Following the 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.

The 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
- 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 and how the representations will be made
- Their right to make a request to hold the meeting via remote access and how this request can be made
- Their right to attend a meeting where there is a legal requirement for the governing 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
- Relevant sources of free, impartial information

Where the pupil is of compulsory school age, the 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 headteacher has arranged alternative provision, they will also inform the parents of the following:

- The start date and daily start and finish times, including relevant session times, for the full-time education
- 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 alternative-provision details are not reasonably available by the end of the afternoon session on the first day of suspension or permanent exclusion, they will be provided in a subsequent written notice without delay and at least 48 hours before provision starts. Where provision begins before the sixth school day, less than 48 hours' notice may be given with parental consent.

If the 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.

8. Duty to inform the governing board and LA

The 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 headteacher will notify the governing board once per term.

The 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 and the duration of any suspension.

Where a permanently excluded pupil lives in another LA area, the headteacher will also notify the pupil's home authority without delay, giving the reasons for permanent exclusion.

9. Duty to inform social workers and the virtual school head (VSH)

When a pupil has been suspended or excluded, the 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.

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

10. Arranging education for suspended and excluded pupils

For a compulsory-school-age pupil suspended for more than five consecutive school days, the governing board will arrange suitable full-time education from the sixth school day, including where consecutive suspensions cumulatively exceed five days. Following permanent exclusion, the LA is responsible for suitable full-time education from the sixth school day. The school will cooperate with the LA and provider and share relevant information securely.

The governing board will not arrange full-time education for any pupil who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.

The school will seek to minimise disruption to education. For CLA and pupils with a social worker, the school and LA should work together to arrange alternative provision from the first day following suspension or permanent exclusion. Where provision is unavailable or inappropriate during the first five school days, the school will take reasonable steps to set and mark accessible, achievable work.

The governing board will assure itself that provision is suitable and full-time where required, attendance is monitored, SEND support is delivered, and safeguarding information is securely transferred promptly. The school will plan and review reintegration after suspension with the pupil and parents.

If a pupil with SEND has been suspended or excluded, the governing board will ensure that:

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

11. Considering suspensions and exclusions

The governing board will consider any representations made by parents regarding suspensions and exclusions.

Parents (and a requested friend or representative), the pupil if aged 18 or over, the headteacher, the pupil's social worker where applicable and the Virtual School Head for a looked-after child will be invited to the reinstatement hearing. Parents may request an LA or home-LA representative as an observer; the Trust is not required to agree, and that representative may make representations only with the committee's consent.

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 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 they desire to do so.

The governing board will consider and decide on reinstatement within 15 school days of receiving notice 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.
- The suspension or permanent exclusion would result in the pupil missing a public examination or national curriculum test.

For suspensions totalling more than five but not more than 15 school days in a term, where parents make representations, the governing board must consider and decide on reinstatement within 50 school days of receiving notice. Any total above 15 days, including 15.5 days, falls within the 15-school-day requirement.

For suspensions totalling more than five but not more than 15 school days in a term, where parents make no representations, the governing board is not required to meet and cannot direct reinstatement.

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.

Where a suspension or permanent exclusion would cause a pupil to miss a public examination or national curriculum test, the governing board will, so far as reasonably practicable, consider reinstatement before the examination or test.

If a hearing is required before a public examination or national curriculum test, the Trust governance professional will urgently convene a committee authorised under the Trust's articles and scheme of delegation. The maintained-school exception permitting a chair or vice-chair to decide alone does not apply to this academy.

Reinstatement decisions will be made by the Trust board or a properly constituted and authorised committee. A local governing body may exercise this function only where the Trust has expressly delegated it; the headteacher who made the exclusion decision will not take part in deciding reinstatement.

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.

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 and parents to be accompanied by a person of their choice to the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- Identify the steps needed to enable and encourage the suspended or excluded 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.

12. 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.

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 headteacher's decision to suspend or exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

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

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 headteacher's legal duties and any evidence that was presented to the governing board in relation to the decision.
- Record the outcome on the pupil's educational record and retain relevant papers with that record in accordance with the school's retention schedule and data protection requirements.
- 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.

13. Notification of considered suspensions and exclusions

The governing board will notify the parents of the suspended or excluded pupil, the 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.
- 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, whether or not SEND has been identified, parents can request an independent SEN expert, appointed and funded by the Trust, to attend the independent 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.

Parents will be informed that they may bring a disability discrimination claim to the First-tier Tribunal (Special Educational Needs and Disability), or other Equality Act discrimination claims to the County Court, normally within six months of the alleged discrimination. These routes are distinct from the independent review process.

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.

14. Removing excluded pupils from the school register

The 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 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 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.

Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: attending another approved educational activity, where its requirements are met; this is not a general code for all off-site provision.
- Code D: attending another school at which the pupil is also registered.
- Code E: suspended or permanently excluded, with no alternative provision made. Code K applies where the pupil attends qualifying LA-arranged educational provision. The school will use the correct code for the actual arrangements under the School Attendance (Pupil Registration) (England) Regulations 2024 and current attendance guidance.

15. Independent review panel

The Trust will review the governing board's decision not to reinstate an excluded pupil if the parents submit their application for this within the required time frame.

The Trust will arrange and fund the independent review and any requested SEN expert. The decision letter will identify the Trust's application contact, postal or email address and deadline. Panel members will meet statutory independence requirements, including freedom from disqualifying involvement with the Trust or school; no person involved in the original decision will review their own decision.

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

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity
- A current or former school governor who has served for at least 12 consecutive months in the last 5 years
- A headteacher or individual who has been a headteacher within the last 5 years

Parents are required to submit their applications within:

- 15 school days of the governing 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 Trust will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance.

16. Appointing a SEND expert

If requested by parents in their application for an independent review panel, the Trust 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 Trust 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 Trust, 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 Trust.

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 Trust 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 Trust, 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 Trust 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 Trust 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 Trust will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.

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

17. 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 does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, 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.

18. Appointing a clerk

The Trust 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 Trust will ensure that the clerk did not serve as clerk to the governing board when the decision was made not to reinstate the pupil.

19. 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, 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 Trust 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 Trust will undertake the functions outlined above.

20. 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, headteacher, Trust and LA.

21. 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 headteacher's or governing board's written notification, the Trust board or its authorised committee 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 Trust board or its authorised committee is satisfied that the meeting can be held fairly and transparently. If this cannot be done, the Trust board or its authorised committee 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 reasonably practicable to resolve, a face-to-face meeting will be arranged without delay.

When holding meetings or panels via remote access, the Trust board or its authorised committee 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.

Requests for remote hearings will be handled under the current statutory arrangements. Parents will receive clear instructions in the relevant notice; remote access is not the default and will be used only where a fair and transparent hearing is possible.

Where parents withdraw a request for remote access, the arranging body will arrange a face-to-face hearing without delay, subject to the statutory provisions for extraordinary events or unforeseen circumstances.

22. 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.

Where the independent review panel directs reconsideration and orders a financial payment, Prestolee Multi Academy Trust must pay £4,000 to the LA if reinstatement is not offered within ten school days of notice of the panel's decision. This is separate from normal funding transfers following permanent exclusion.

No financial adjustment or equivalent payment is due where reinstatement is offered within the required period but declined by parents. Any order is separate from the normal transfer of funding following a permanent exclusion.

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 the £4,000 payment solely because of that recommendation. If, following reconsideration, the governing board offers to reinstate the pupil but the parents decline, no adjustment will be made to the Trust.

Following reconsideration, the governing board will notify the parents, headteacher and LA of their reconsidered decision and the reasons for this.

23. Criminal investigations

The 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 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 headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

24. Training requirements

The Trust 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 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.

Clerks will also have an up-to-date understanding on developments in case law which are relevant to suspension and exclusion.

25. Using data

The 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.

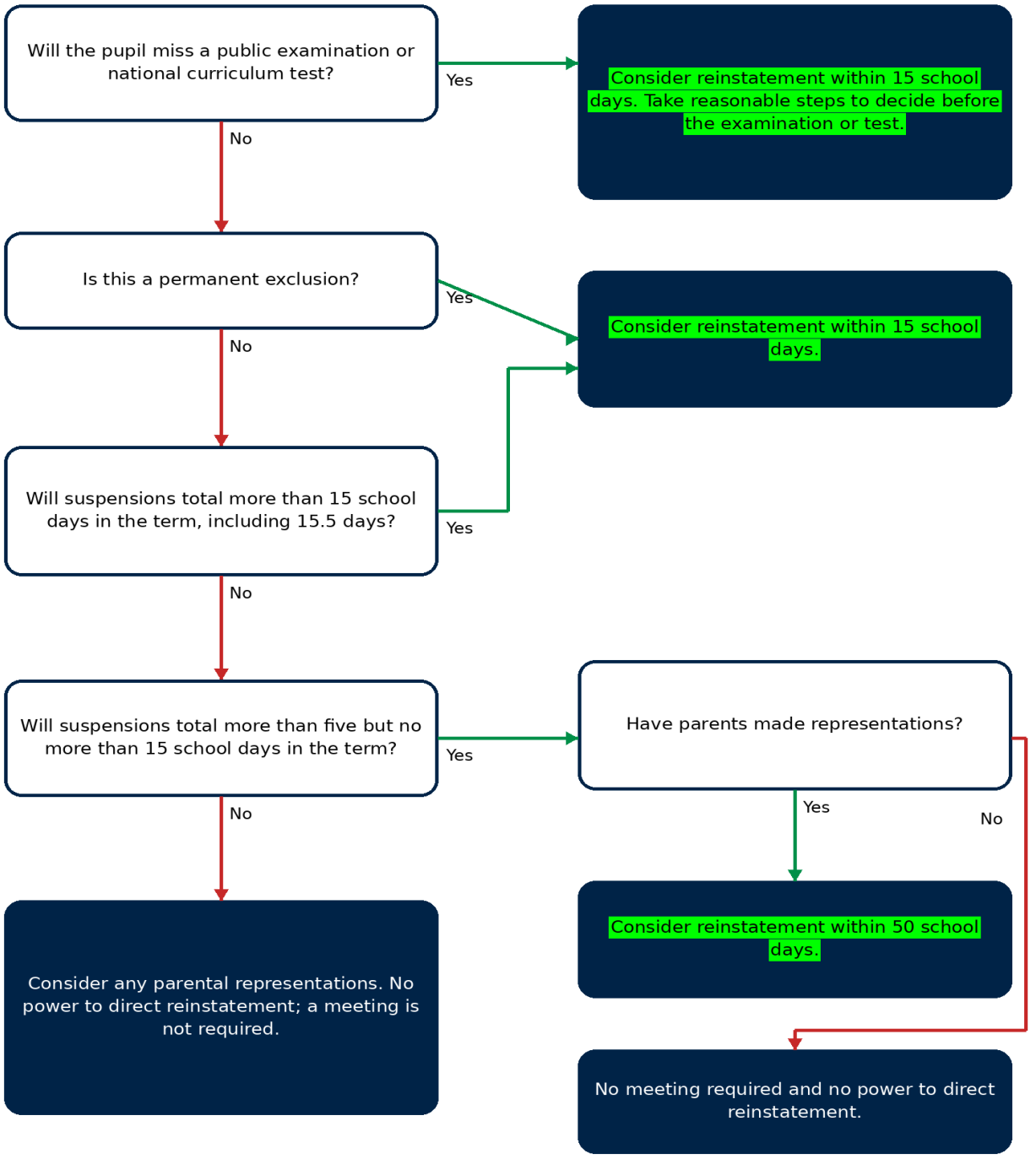
- Gather information on pupils who are taken off the roll and those who are on the roll but attending education off-site.
- Consider the effectiveness and consistency in implementing the Behaviour Policy.
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Understand the characteristics of suspended and excluded pupils and evaluate equality considerations.
- 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.
- Analysing 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.

26. Monitoring and review

This policy will be reviewed annually by the headteacher with the Trust's authorised governance body, and sooner where legislation or statutory guidance changes. This October 2026 revision is a draft for governing board approval; the approval date will be recorded once agreed. The next scheduled review is Autumn term 2027.

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

Flowchart for reviewing the headteacher's suspension or exclusion decision



SLT Responsible:	D White	Date of Review:	Autumn 2026	Next Review:	Autumn 2027
Statutory / Non-Statutory:	Statutory	Website:	No	Review Frequency:	Annually