

SUSPENSIONS AND EXCLUSIONS POLICY



HARTFORD
CHURCH OF ENGLAND
HIGH SCHOOL

Ratified by Governing Board: February 2026 Due for Review: Spring Term 2027
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Mission Statement:

Our mission at Hartford Church of England High School is to provide an outstanding, inclusive and ambitious education for all. Children develop and thrive both within and beyond the classroom. They are known, with their talents embraced and promoted. They develop into young people who will make a substantial contribution to the world. They enjoy an education rooted in a shared set of Christian values that radiate the love and truth of Jesus Christ.

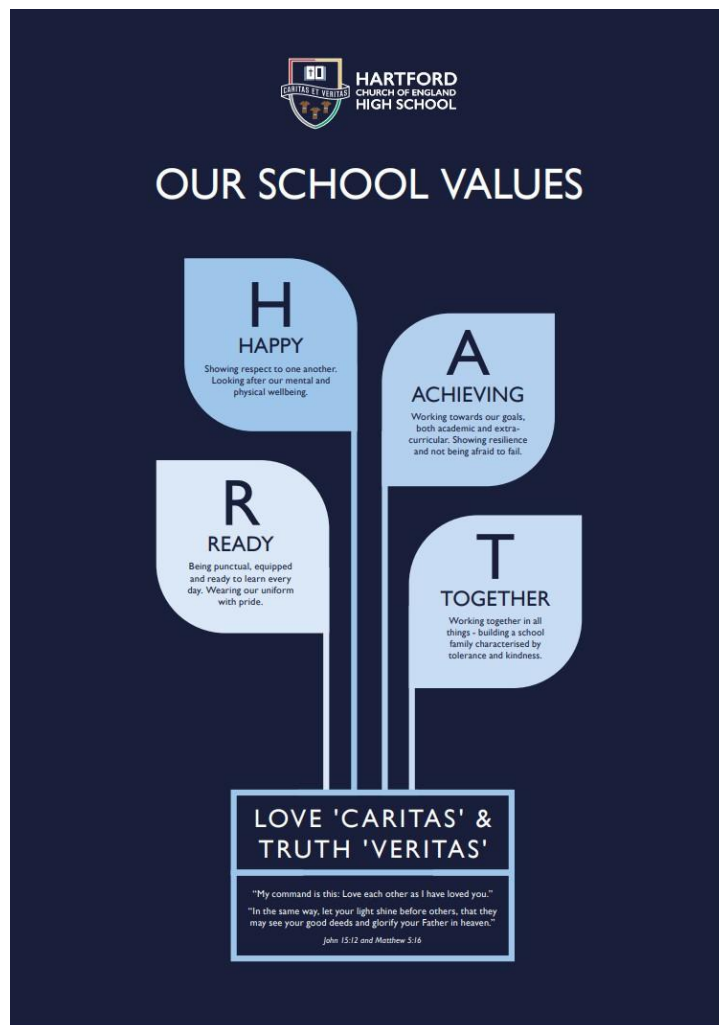
Everything we do at Hartford Church of England High School as students, staff, Governors and wider stakeholders, centres on the core values of our school:

Happy: Showing respect to one another. Looking after our mental and physical wellbeing.

Achieving: Working towards our goals, both academic and extra-curricular. Showing resilience and not being afraid to fail.

Ready: Being punctual, equipped and ready to learn every day. Wearing our uniform with pride.

Together: Working together in all things - building a school family characterised by tolerance and kindness.



"My command is this: Love each other as I have loved you."

"In the same way, let your light shine before others, that they may see your good deeds and glorify your Father in heaven."

John 15:12 and Matthew 5:16

Equally, the educational offer at Hartford Church of England High School is based on the Church of England's four key principles for education:

- Educating for wisdom, knowledge and skills
- Educating for hope and aspiration
- Educating for community and living well together
- Educating for dignity and respect

The Suspensions and Exclusions Policy for Hartford Church of England High School fully embodies our values, our mission statement and the key principles for education set out by the Church of England.

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I. Aims

At Hartford Church of England High School, we understand that good behaviour and discipline, under-pinned by our HART values, is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that suspension and exclusion of students may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour and Attitudes Policy. Suspending or excluding a student may also be required in instances where allowing the student to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding students should only be used as a means of last resort.

The school has created this policy to clearly define the legal responsibilities of the Headteacher, Governing Board and Local Authority when responding to student suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with the Department for Education (DfE) statutory guidance. This policy also aims to secure a student'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 student from the school for behaviour management purposes. A student 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 student from the school, in response to a serious breach or persistent breaches of the school's Behaviour and Attitudes Policy and where allowing the student to remain in school would seriously harm the education or welfare of the students or staff in the school.

2. Legal Framework

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

- The Education Act 1996
- The Education Act 2002
- The Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Student Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023
- The European Convention on Human Rights (ECHR)

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

- DfE (2024) 'Suspension and Permanent Exclusion from maintained schools, academies and student 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'

This policy operates in conjunction with the following school policies:

- Anti-bullying Policy
- Behaviour and Attitudes Policy
- Child Protection and Safeguarding Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Social, Emotional and Mental Health (SEMH) Policy
- Student Code of Conduct

3. Roles and Responsibilities

The Local Authority is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of Looked After Children (LAC).
- Arranging suitable full-time education for any student of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing students' needs in consultation with their parents/carers where they have an Education Healthcare Plan and are excluded permanently, with a view to identifying a new placement.
- 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/carers, 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 Local Authority about any suspensions and exclusions within the last 12 months.
- Arranging suitable full-time education for any student of compulsory school age who is suspended, where required.
- Considering parents'/carers' representations about suspensions and exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where a suspension or exclusion would result in a student missing a public examination or test, considering the suspension or exclusion before this date.
- Considering whether it would be appropriate for a student to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Arranging for the representation meeting to take place via remote access where requested by parents/carers or excluded students aged 18 and over.
- Adhering to its responsibilities to consider the reinstatement of students.
- Considering the interests and circumstances of the suspended or excluded student, 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 student's education record, along with copies of relevant papers for future reference.
- Notifying the student's parents/carers, the Headteacher and the Local Authority of its decision and the reasons for it, without delay.
- Although not statutory, appointing a clerk to provide advice to the relevant panel and parties to the review on procedure, law and statutory guidance on suspensions and exclusions. Where not appointed, the responsibilities should be assumed by the Local Authority.
- Where appropriate, informing parents/carers of where to apply for an independent review panel.
- Informing parents/carers of relevant sources of information.
- Ensuring a student's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a student 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.

Although not statutory, if appointed, the clerk to the suspensions and exclusions review panel is responsible for:

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

The Headteacher is responsible for:

- Implementing good levels of discipline to ensure all students 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 students 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 student has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a student who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g. if a student 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 students, particularly those with SEND, those eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents/carers in supporting the behaviour of students with additional needs.
- Determining whether a student will be suspended or excluded on disciplinary grounds.
- Adhering to their responsibilities when cancelling an exclusion before the Governing Board has met to consider whether the student should be reinstated. Withdrawing any suspensions or exclusions that have not been reviewed by the Governing Board, where appropriate.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a student.
- Ensuring they have considered their legal duty of care when sending a student 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 student's parents/carers without delay where the decision is taken to suspend or exclude the student, including the days on which the parents/carers must ensure the student is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents/carers is clear and easily understood.
- Notifying the Governor responsible and Local Authority of their decision to exclude a student where appropriate, as well as the student's home authority if required.
- Notifying the Governing Board once per term of any exclusions in the Headteacher's report to Governors.
- Organising suitable work for suspended or excluded students where alternative provision cannot be arranged or the Local Authority does not have responsibility for doing so.

4. Grounds for Suspension or Exclusion

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

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

- Physical assault against a student.
- Physical assault against an adult.
- Verbal abuse or threatening behaviour against a student.
- 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, anti-semitic, homophobic, biphobic, transphobic or ableist abuse.

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

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

5. The Headteacher's Power to Suspend and Exclude

Only the Headteacher has the power to suspend or exclude a student 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. In the absence of the Headteacher from the school, the Deputy Headteacher will assume all responsibilities that the Headteacher holds.

The Headteacher is able to suspend students 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 student's disruptive behaviour outside of the school premises as grounds for suspension or exclusion, in accordance with the school's Behaviour and Attitudes Policy.

When sending a student 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/carers.

Any decision made to suspend or exclude a student 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 European Convention on Human Rights (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 student'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.

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

All suspensions and exclusions will be formally recorded on the school's MIS system, Arbor.

6. Factors to consider when suspending or excluding a student

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

- Allow the student the opportunity to present their case once initial 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 student's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the student 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 identify any possible causes.

The Headteacher will consider the vulnerability of certain students who are at risk of suspension or exclusion. These may include, but are not limited to, LAC, PLAC, Child in Need, SEND and Pupil Premium.

The Headteacher will always consider avoiding excluding LAC, those with SEMH issues or students with an EHCP, however they will consider the impact on and vulnerability of a student's negative behaviours.

Where SEND or SEMH issues are identified, student passports will be created and multiple interventions, with a tiered approach, will be put in place. If the student continues to endanger the physical or emotional wellbeing of other students or staff, despite exhausting the tiered intervention approach, then suspension or exclusion may be considered. In accordance with the Equality Act 2010, under no circumstances will a student with identified SEND or SEMH issues be suspended or excluded without additional interventions having been put in place to support them.

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

The Senior Assistant Headteacher (Behaviour and Attitudes and Assistant Headteacher (SEND/CO) will work in conjunction with the parents/carers of any student with additional needs to establish the most effective support mechanisms.

Permanent Exclusions

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

- in response to a serious breach or persistent breaches of the school's behaviour policy
- and
- where allowing the student to remain in school would seriously harm the education or welfare of the student or others such as staff or students in the school.

7. 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.

Alternative to Suspension Room (ASR)

The Alternative to Suspension Room (ASR) is supervised by middle and senior leaders. This is a serious sanction and one step away from formal suspension from school.

The ASR will also be used if a student fails in our Restore internal exclusion room, or fails an off-site direction or Extended Step Out, on their return from the resultant suspension.

Students attend the main school reception at 9.00am and are escorted to the ASR by members of the pastoral team. Prior to admittance into the room, students must place their bag and mobile phone in a secure locker. If they refuse to do so this may lead to suspension from school. They remain in the room throughout the day until 4.00pm.

When placed in the ASR students are expected to bring a drink and food for break. If they wish to purchase food from the canteen for lunch, lunch will be ordered for them and debited from their account. Students have their break and lunch at the same time as the rest of the school but they remain in the ASR at these times, and there are scheduled toilet breaks throughout the day.

Off-site direction

Off-site direction is when the Headteacher/Governing Body requires a student to attend another education setting to improve their behaviour (as outlined in the schools Behaviour Policy) or for any other reasons e.g. Safeguarding. The school can arrange off-site provision for such purposes under their general powers. Where interventions or targeted support have not been successful in improving a student's behaviour, off-site direction can be used to arrange time-limited placements at an Alternative Provision. During the off-site direction to another school, students must be dual registered. Code B should be used for any off-site educational activity, if the provision is an approved educational activity that does not involve the student being registered at any other school.

When possible, in-school interventions or targeted support from Alternative Provision schools should be used to meet a student's individual needs and circumstances – whether behavioural or special educational.

A proposed maximum period of time should be discussed and agreed upon as part of the planning phase for an off-site direction. In the first instance this can be 12 weeks. As part of planning, alternative options should be considered once the time limit has been reached (see Alternative Provision Policy).

For maintained schools, the School must ensure that parents/carers (and the Local Authority if the student has an Education, Health and Care Plan (EHCP)) are notified in writing and provided with information about the placement as soon as practicable after the direction has been made and no later than two school days before the relevant day.

The length of time a student spends in another mainstream school or alternative provision and the reintegration plan must be kept under review by the school, who must hold review meetings at such intervals as they, having regard to the needs of the student, consider appropriate, for as long as the requirement remains in effect.

The length of time a student spends in another mainstream school or alternative provision will depend on what best supports the student's needs and potential improvement in behaviour. Review meetings will take place between the school, parents/carers, the student, and other agencies as appropriate, to establish agreed monitoring points to discuss the student's ongoing behaviour. These reviews should be recorded in writing and be frequent enough to provide assurance that the off-site direction is achieving its objectives.

Extended Step Outs (formerly Managed Moves)

A managed move is used to initiate a process which leads to the transfer of a student to another mainstream school permanently. Managed moves should be voluntary and agreed with all parties involved, including the parents/carers and the admission authority of the new school. If a temporary move needs to occur to improve a student's behaviour, then offsite direction should be used and is clearly defined when this will happen in the schools Behaviour Policy. Managed moves should only occur when it is in the student's best interests.

Where a student has an EHCP, the relevant statutory duties on the new school and Local Authority will apply. If the current school is contemplating a managed move, it should contact the authority prior to the managed move.

If the Local Authority, both schools and parents/carers are in agreement that there should be a managed move, the Local Authority will need to follow the statutory procedures for amending a plan.

If a parent/carer believes that they are being pressured into a managed move or is unhappy with a managed move, they can take up the issue through the school's formal complaints procedure with the Governing Body and, where appropriate, the Local Authority.

8. Duty to Inform Parents/Carers

Following the Headteacher's decision to suspend or exclude a student, they will immediately inform the parents/carers, or the excluded student if they are 18 or older, in person or by telephone, supported by email communication in the first instance, followed by a formal letter confirming the period of the suspension, or permanency of the exclusion, and the reasons behind this.

- The reasons for the suspension or exclusion and any considerations the Headteacher has made in making the decision to suspend/exclude, especially in regard to SEND.
- 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 student 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 student to continue their education prior to the organisation of any alternative provision, or the student's return to school.
- Relevant sources of free, impartial information.

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

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

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

Where the 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 student beginning the provision. If the alternative provision is due to begin before the sixth day of the suspension or exclusion, the Headteacher is able to give less than 48 hours of notice, with parental consent.

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

9. Duty to Inform the Governing Board and Local Authority

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 student).
- Any suspensions which would result in the student 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 student being absent from a public examination.

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

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

All notifications to the Governing Board and Local Authority will include the reasons for suspension or exclusion and the duration of any suspension.

If a student who is suspended or excluded lives outside the Local Authority in which the school is located, the Headteacher will notify the student's 'home authority'.

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

When a student has been suspended or excluded, the Headteacher will, without delay, notify the student'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.

11. Arranging Education for Suspended and Excluded Students

For any suspensions of more than five school days, the Governing Board will arrange suitable full-time education for the student, which will begin no later than the sixth day of suspension. Where a student receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension. For exclusions, full-time education will be provided for the student from the sixth day of exclusion.

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

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

If a student with SEND has been suspended or excluded, the Governing Board will ensure that:

- Any alternative provision is arranged in consultation with the student's parents/carers, who are able to request preferences.

- When identifying alternative provision, any EHCP is reviewed or the student's needs are reassessed, in consultation with the student's parents/carers.

Returning from a suspension

Following a suspension, a reintegration meeting will be held involving the student, parents/carers, a member of senior staff and other staff, where appropriate, to review the behaviours that led to the suspension and identify how to best support the student in returning to school.

Following a suspension, the student will spend the remainder of the day in the school's Alternative to Suspension Room where they will re-engage with the school's expectations and values and ensure that he is ready to return to mainstream lessons.

12. Considering Suspensions and Exclusions

The Governing Board will always consider the reinstatement of a suspended or excluded student, where:

- The exclusion is permanent.
- The suspension is fixed-period, and would bring the student's total number of suspended school days to more than 15 in any given term.
- The suspension or exclusion would result in the student missing a public examination.

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

Parents/carers and, where requested, a friend or representative, the Headteacher, and a member of the Local Authority will be invited to attend any consideration of suspensions and exclusions as appropriate and will be able to make representations.

Any meeting to consider reinstatement of a student will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits. Parents/carers, and excluded students 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 student's age and level of understanding, the student will also attend any consideration meeting, and will be enabled to make a representation on their own behalf if they desire to do so.

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

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

Where a suspension will not bring a student'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/carers; however, the Governing Board cannot direct the reinstatement of the student and it is not required to arrange a meeting with parents/carers.

Where suspension or exclusion would result in a student missing a public examination, the Governing Board will consider the suspension or exclusion before the date of the exam to decide whether the student should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of Governors to consider the decision before the examination, the Chair of Governors, or the Vice Chair of Governors if necessary, will consider the suspension or exclusion alone and decide whether or not to reinstate the student.

In light of the above, the Governing Board will also consider whether it would be appropriate to allow the suspended or excluded student to enter the premises to take the examination.

When considering the reinstatement of a student, 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 students and parents/carers 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 student 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 student, including the grounds for suspension or exclusion.

Where a Governors' review meeting lasts for a substantial amount of time (at least more than two hours) and where any party (Governors, parents/carers, staff and Local Authority) is not able to continue to attend, the meeting may be adjourned. This will only be at the agreement of all parties. Where an adjournment takes place for this purpose the evidence/representations provided for the meeting will not be added to whilst the adjournment takes place. The meeting will resume at the earliest opportunity to suit all parties involved.

13. Reaching a Decision

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

- Decline to reinstate the student.
- Direct the reinstatement of the student immediately, or on a specified date.

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

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 student 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 of the decision on the student's educational records, which will be kept for at least six months.
- Inform the Local Authority of the outcome.

- Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the student.

14. Notification of Considered Suspensions and Exclusions

The Governing Board will notify the parents/carers of the suspended or excluded student, the Headteacher, and the Local Authority of their decision following the consideration of a suspension or exclusion, in writing and without delay (usually within two working days).

In the case of exclusion, where the Governing Board decides not to reinstate the student, they will notify the parent/carers:

- That the exclusion is permanent.
- Of their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That a request to hold the meeting via remote access can be made and how to do this.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a student's SEND is considered relevant to the exclusion.
- That, regardless of whether a student has been identified as having SEND, the parents/carers have a right to require the Local Authority to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents/carers will not be charged for this.
- That they are required to make it clear in their written notice requesting an independent review, if they wish for a SEND expert to attend this.
- That they may appoint someone at their own expense to make representations to the panel.

The Governing Board will also notify parents/carers that, if they believe a suspension or exclusion has been issued as a result of discrimination, then they may 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/carers, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

15. Removing Excluded Students from the School Register

The Headteacher will remove students from the school register if:

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

If an application for an independent panel review has been made within 15 school days, the 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 student from the school register.

If a student's name is to be removed from the register, the Headteacher will make a return to the Local Authority, which will include:

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

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

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

16. Independent Review Panel

The Local Authority will review the Governing Board's decision not to reinstate an excluded student if the parents/carers submit their application for this within the required time frame.

The Local Authority 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/carers 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/carers 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/carers can request that independent review panels take place via remote access.

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

17. Appointing a SEND Expert

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

The Local Authority 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/carers or student, 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 Local Authority.

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 Local Authority 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 Local Authority, they will not have had any previous involvement in the assessment or support of SEND for the excluded student, or siblings of the excluded student. The Local Authority 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 Local Authority to make, but it will take reasonable steps to ensure that parents/carers have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents/carers a choice of SEND expert. In order to meet its duties within the statutory time frame, the Local Authority will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.

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

18. The Role of the SEND Expert

The SEND expert's role is analogous to an expert witness, providing (orally and/or in writing) 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 student'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 student, 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 student's exclusion.

Where the school does not recognise that a student 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 student may potentially have, and any contribution that this could have made to the circumstances of the student'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.

19. Appointing a Clerk

The Local Authority 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 Local Authority will ensure that the clerk did not serve as clerk to the Governing Board when the decision was made not to reinstate the student.

20. 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 student wishes to attend the panel hearing, taking reasonable steps to enable the student 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 students at the school. Students under 18 will not be allowed to appear in person without parental consent.
- Inform the parents/carers, 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 Local Authority 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 Local Authority will undertake the functions outlined above.

21. 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 student. In reviewing the decision, the panel will consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded, and have regard to the interests of other students 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 student, parents/carers, Governing Board, Headteacher and Local Authority.

22. Conducting Governing Board Meetings or Independent Review Panels via Remote Access

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

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

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

Where a request for a meeting to be held via remote access is not made, or the parent/carer or student 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.

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

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

- Comply with relevant equalities legislation.
- Enable access to support which the parent/carer 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.

23. Reconsidering Reinstatement Following a Review

Where the independent review panel **instructs** the Governing Board to reconsider their decision not to reinstate a student, 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 student, 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 student, 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 student, it will not be subject to a financial adjustment. If, following reconsideration, the Governing Board offers to reinstate the student, but the parents/carers decline, no adjustment will be made to the school's budget.

Following reconsideration, the Governing Board will notify the parents/carers, Headteacher and Local Authority of their reconsidered decision and the reasons for this.

24. Cancelling a Suspension

Where a suspension or exclusion is cancelled, the Headteacher will notify the student's parents/carers, the Governing Board, the Local Authority, and, where relevant, the virtual school head (VSH) and the student's Social Worker. The notification will also provide the reason for the cancellation. The Headteacher will offer the student's parents/carers the opportunity to meet with the Headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the student 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 student can be suspended or excluded in an academic year. A permanent exclusion will not be cancelled if the student 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.

25. Criminal Investigations

The Headteacher will not postpone taking a decision to suspend or exclude a student 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 student 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.

26. Training Requirements

The Local Authority 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.

27. 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:

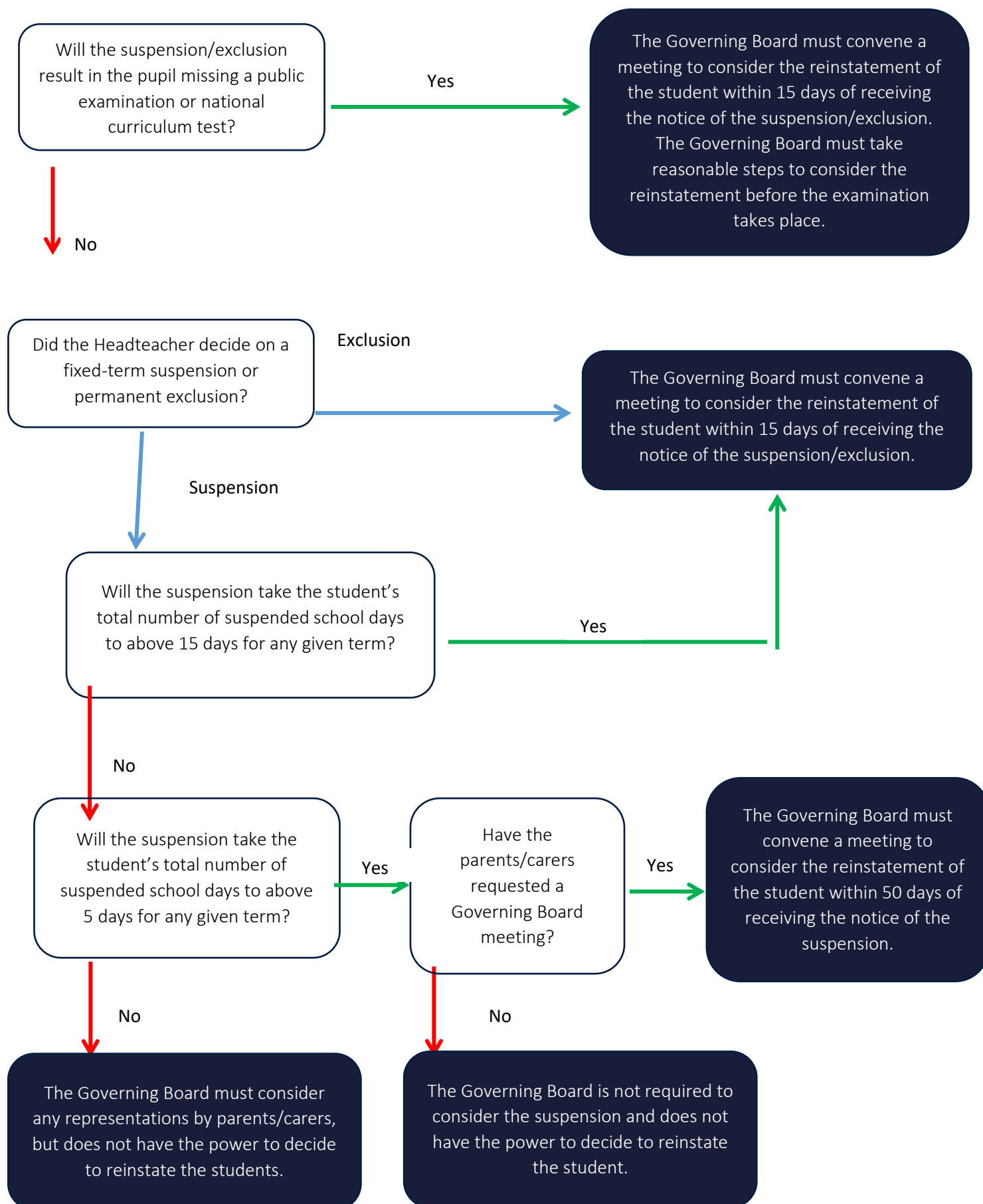
- Consider the number of permanent exclusions and the characteristics of students who are being permanently excluded to ensure that this is only being used as a last resort.
- Gather information on students who are taken off the school roll and those who are on the roll but attending education off-site.
- Consider the effectiveness and consistency in the implementation of the Behaviour and Attitudes Policy.
- Understand the characteristics of suspended students and evaluate equality considerations.
- Gather information on where students are receiving repeat suspensions.
- Evaluate interventions in place to support students 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 students directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives.

28. Monitoring and Review

This policy will be reviewed annually by the Headteacher in conjunction with the Governing Board.

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

Appendix I. Flowchart for Reviewing the Headteacher's Suspension of Exclusion Decision



Date approved by Governing Board: 09/02/2026

Applicable from: 09/02/2026

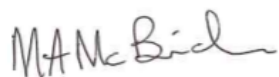
Signed by

Headteacher:



Date: 09/02/2026

Chair of Governors:



Date: 09/02/2026