Tutshill C of E Primary School

Woolaston Primary School

Forest Edge Federation

Governing Board

Suspension and Exclusion Policy

Signed: __ Chair of the Governors :

Date: September 2026

Review: September 2028

Purpose:

This policy outlines the possible reasons why exclusions might take place and the appropriate procedures to follow.

Consultation:
The staff and governors were consulted during the writing of this policy. Guidance was taken from ‘Guidance for maintained schools, academies, and pupil referral units in England’ DfE, September 2023

Introduction:
At Forest Edge Federation we aim to ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn, stay safe and succeed.

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1. Introduction
The principal legislation that this document relates to is:

1. The Education Act 2002 as amended by Education Act 2011
2. The School Discipline (pupil exclusions and reviews) (England) Regulations 2012;
3. The Education and Inspections Act 2006 and
4. The Education (Provision of Full Time Education for excluded pupils) (England) Regulations 2007.
5. DfE Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including Pupil Movement (2024).
6. Current Gloucestershire supplementary exclusion guidance (2024).

The definition of a parent for the purposes of the Education Act and this policy is broadly drawn. In addition to a child's birth parents, references to parents in this guidance include any person who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (e.g. a foster carer) with whom the child lives.

'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any suspension of a pupil, even for short periods of time, must be formally recorded.

Both schools have the power to direct a pupil off-site for education to improve his or her behaviour. A pupil can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents. However, the threat of suspension must never be used to influence parents to remove their child from the school.

2. Policy Overview
The schools are committed to valuing diversity and to equality of opportunity. We aim to create and promote an environment in which pupils, parents/carers and staff are treated fairly and with respect, and feel able to contribute to the best of their abilities.

The Governing Board recognise the values under the Equality Act 2010 ("the Equality Act") Neither school will discriminate against, harass or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices. Both schools strive to advance equality of opportunity between people who share a protected characteristic and people who do not. Full consideration has been given to this during the formulation of this policy as it is the governors' aim that no-one at the school should suffer discrimination, either directly or indirectly, or harassment on any of these grounds.

We aim to include, not exclude, and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate behaviour, and we strive to never "give up" easily on a child as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this.

It is expected that suspension would normally take place at the end of a disciplinary process when other sanctions and programmes have failed to modify the undesirable behaviour, or where a pupil commits a serious breach of discipline. (However, the Executive Headteacher may exclude as an immediate response, for example when health and safety, welfare or education of another is threatened.) A decision to exclude a pupil, either for a fixed period or permanently is seen as a last resort by the school. The

physical and emotional health of our children and staff is our primary concern, and we therefore accept that in some rare situation's suspension may be necessary, if all other strategies have been exhausted. The schools are responsible for communicating to pupils, parents/carers and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct.

These include:

- Behaviour Policy;
- Anti-Bullying Policy.

3. Reasons for Exclusion:
The decision on whether to exclude is for the Executive Headteacher to take. However, where practical, the Executive Headteacher should give pupils an opportunity to present their case before taking the decision to exclude.

Whilst suspension may still be an appropriate sanction, the Executive Headteacher should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement has mental health issues or has been subject to bullying.

These are a selection of reasons, but not an exhaustive list, where suspension may be appropriate:

- serious breach of the school's rules or policies.
- risk of harm to the education or welfare of the pupil or others in the school.
- physical assault against a pupil (e.g. fighting, violent behaviour, wounding, obstruction, jostling)
- physical assault against an adult (e.g. violent behaviour, wounding, obstruction and jostling)
- verbal abuse or threatening Behaviour against a pupil (e.g. threatened violence, aggressive behaviour, swearing, homophobic abuse and harassment, verbal intimidation, carrying an offensive weapon.)
- verbal abuse or threatening behaviour against an adult (e.g. threatened violence, aggressive behaviour, swearing, homophobic abuse and harassment, verbal intimidation, carrying an offensive weapon)
- bullying (e.g. verbal, physical, cyberbullying, homophobic bullying, racist bullying)
- racist abuse (e.g. racist taunting and harassment, derogatory racist statements, swearing that can be attributed to racist characteristics, racist bullying, racist graffiti)
- sexual misconduct (e.g. sexual abuse, sexual assault, sexual harassment, lewd behaviour, sexual bullying, sexual graffiti)
- drug and alcohol related (e.g. possession of illegal drugs, inappropriate use of prescribed drugs, drug dealing, smoking, alcohol abuse, substance abuse)
- damage (e.g. vandalism, arson, and graffiti)
- theft (e.g. stealing school property, stealing personal property (pupil or adult), stealing from local shop on a school outing, selling and dealing in stolen property)
- persistent disruptive behaviour (e.g. challenging behaviour, disobedience, persistent violation of school rules)
- other (this includes incidents that are not covered by the categories above).

  This list is by no means exhaustive.

Any suspension will be the decision of the Executive Headteacher, in consultation with the Governing Board as appropriate

The governing board will receive and review data relating to suspensions and permanent exclusions, including information relating to pupils with SEND and those with an EHCP. This monitoring will be used to identify patterns, evaluate the effectiveness of support and ensure that no group of pupils is disproportionately affected.

4. Suspension
A suspension should be for the shortest time necessary. Ofsted evidence suggests that 1-3 days is usually enough to secure benefits without adverse educational consequences.

5. Persistent or cumulative problems
Suspension for a period of time from half a day to 5 days for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies. These strategies are outlined in the Behaviour Policy.

6. Single Incident
Suspension may be used in response to a serious breach of school rules and policies or a disciplinary offence. In such cases, the Executive Headteacher will investigate the incident thoroughly and consider all evidence to support the allegation, taking account of the school's policies. The pupil will be encouraged to give his/her version of events and the Executive Headteacher will check whether the incident may have been provoked, for example by bullying or racial harassment. A discussion with the parents/carers will also be held.

If necessary, the Executive Headteacher will consult the Chair of the Governing Board and Deputy Headteacher at the relevant school.

7. The Decision to Exclude
The suspension will include discussion with parents/carers, notification to the governors and possibly the preparation of a Pastoral Support Programme (PSP) for the pupil. This PSP would give careful attention to the concern, planned support and appropriate sanctions. Normally a child will be excluded for a fixed period. The PSP would be the main vehicle for planning reintegration. In extreme cases, if there is significant concern about actual or threatened physical violence and/or persistent and malicious disruptive behaviour, permanent exclusion will be considered.

If the Executive Headteacher decides to exclude a pupil, they will:

- ensure that there is sufficient recorded evidence to support the decision;
- explain the decision to the pupil;
- contact the parents/carers, explain the decision and ask that the child be collected;
- send a letter to the parents/carers confirming the reasons for the exclusion, whether it is a permanent or temporary exclusion;
- confirm the length of the suspension and any terms or conditions agreed for the pupil's return;
- in cases of more than a day's exclusion, ensure that appropriate work is set and that arrangements are in place for it to be marked;
- plan how to address the pupil's needs and integration back into their class on his/her return;
- plan a meeting with parents/carers and pupil on his/her return.

Where the governing board is legally required to consider a suspension they must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

8. Permanent Exclusion

A permanent exclusion is a very serious decision and the Executive Headteacher will consult with the Deputy Headteacher of the relevant school therefore enforcing it. As with a temporary exclusion, it will follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies or a disciplinary offence, such as:

- serious actual or threatened violence against another pupil or a member of staff;
- possession or use of an illegal drug on school premises;
- persistent bullying;
- persistent racial harassment.

In the case of a permanent exclusion where the governing board decide not to reinstate the pupil, the governing body's notification must also include the information below:

- that the exclusion is permanent;
- the parents' right to ask for the decision to be reviewed by an independent review panel: if parents believe that the exclusion has occurred as a result of discrimination then they may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination.
- that a claim alleging discrimination under the Equality Act 2010 should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded.
- the date by which an application for a review must be received (i.e. 15 school days from the date on which notice in writing of the governing body's decision was given to parents. Where relevant, the school confirm the details of where the parents' application for an independent review panel should be sent. This is normally to the clerk of the independent review panel.
- where and to whom an application for a review (and any written evidence) should be submitted;
- that any application should set out the grounds on which it is being made;
- parents should be informed that, if they believe it to be appropriate, they should include a reference about how they consider their child's special educational to be relevant to the exclusion.
- that, regardless of whether the excluded pupil has recognised special educational needs, parents have a right to require the local authority to appoint an SEN expert to attend the review at no cost to the parent.
- details of the role of the SEN expert;
- that parents must make clear if they wish a SEN expert to be appointed in any application for a review; and
- that parents may, at their own expense, appoint someone to make written and / or oral representations to the panel and that parents may also bring a friend to the review.

The governing board may provide this information by: delivering it directly to parents or by sending it by signed for delivery to the address.

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

In providing details of the role of the SEN expert, the governing body should clarify that there would be no cost to parents for this appointment.

The Executive Headteacher must remove a pupil from the school admission register if:

- 15 school days have passed since the parents were notified of the governing body's decision to uphold a permanent exclusion and no application has been made for an independent review panel; or
- the parents have stated in writing that they will not be applying for an independent review panel. For a permanent exclusion, if the pupil lives outside the local authority in which the school is located, the head teacher must also advise the pupil's 'home authority' of the exclusion without delay.

9. The Executive Headteacher's power to exclude

Only the Executive Headteacher can exclude a pupil and this must be on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A suspension does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a suspension may be extended or converted to a permanent exclusion. It is however unlawful to impose a fixed period suspension for an indefinite period.

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the head teacher's duty to notify parents, still apply. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.
The behaviour of pupils outside school can be considered as grounds for permanent exclusion. This will be a matter of judgement for the Executive Headteacher in accordance with the school's published behaviour policy. The Executive Headteacher must take account of the public sector equality duty in regard to discrimination and protected characteristics under the Equality Act 2010 when deciding whether to exclude a pupil.

The Executive Headteacher and the governing board must take account of their statutory duties in relation to Special Educational Needs when administering the suspension process. This includes having regard to the SEN code of practice.

The Executive Headteacher must take account of their legal duty of care when sending a pupil home following exclusion.

When establishing the facts in relation to a suspension decision the Executive Headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.

10. The Executive Headteacher's duty to inform parents

Whenever the Executive Headteacher makes the decision to exclude a pupil they must, without delay, notify parents of the period of the suspension and the reasons for it.

They must also, without delay, provide parents with the following information in writing:

- the reasons for the exclusion;
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the suspension to the governing body and how the pupil may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.

- that for the first five school days of a suspension (or until the start date of any alternative provision where this is earlier) parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.

Parents must be informed where a suspension has been extended or converted to a permanent exclusion. In such cases, the Executive Headteacher will write again to the parents explaining the reasons for the change and providing any additional information required. If alternative provision is being arranged, then the following information must be included with this notice where it can reasonably be found out within the timescale:

- the start date for any full-time educational provision that has been arranged for the pupil during the exclusion;
- the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant;
- the address at which the provision will take place; and
- any information required by the pupil to identify the person that he / she should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session it may be provided in a subsequent notice, but it must be provided without delay and no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

When notifying parents about an exclusion, the Executive Headteacher will set out what arrangements have been made to enable the pupil to continue his / her education prior to the start of any alternative provision or the pupil's return to school, in line with the legal requirements. The Executive Headteacher will draw attention to relevant sources of free and impartial information when notifying parents about an exclusion.

This information should include:

- a link to this statutory guidance on exclusions (www.gov.uk/government/publications/schoolexclusion);
- where considered relevant by the Executive Headteacher, links to other information, advice and support services.

The Executive Headteacher, where appropriate will ensure that information provided to parents is clear and easily understood. Where the parents' first language is not English consideration should be given, where practical, to translating the letter or taking additional steps to ensure that the details of the suspension and parents' right to make representations to the governing body have been understood.

11. The Executive Headteacher's duty to inform the Governing Board

The Executive Headteacher must, without delay, notify the governing board and the local authority of:

- A permanent exclusion (including where a fixed period suspension is made permanent);
- Exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term; and

- Exclusions which would result in the pupil missing a public examination or national curriculum test. Notifications must include the reasons for the suspension and the duration of any fixed period exclusion.

For all exclusions (except permanent) the Executive Headteacher must notify the local authority and governing body once a term.

12. The Role of the Governing Board

For a suspension of more than five school days, the governing board must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth day of the exclusion. Where a child receives consecutive fixed period exclusions these are regarded as a cumulative period of absence for the purposes of this duty.

Where a suspension would result in a pupil missing a public examination or national curriculum test there is a further requirement for a governing body, so far as is reasonably practicable, to consider the suspension before the date of the examination or test. If this is not practicable, the chair of governors may consider the suspension independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the chair can review a suspension decision alone. In such cases parents still have the right to make representations to the governing board and must be made aware of this right. Whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the governing board should consider whether it would be appropriate to exercise their discretion to allow an excluded pupil on the premises for the sole purpose of taking the examination or test.

Where the governing board is legally required to consider an exclusion, they must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

Within 15 school days of receiving notice of the exclusion, the governing board must consider whether an excluded pupil should be reinstated in the case of:

- all permanent exclusions;
- suspensions of pupils who have been excluded for more than 15 school days in the term, or who will have been as a result of the exclusion; and
- all suspensions that would result in a pupil missing a public examination or national curriculum test.

For all other suspensions where a pupil would be excluded for more than five school days in the term and their parents have made representations, the governing board must consider within 50 school days of receiving notice of the suspension whether the excluded pupil should be reinstated. In the absence of any representations from the excluded child’s parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

Where a suspension would not bring a pupil's total number of days of suspension to more than five in the term, the governing body must consider any representations made by parents, but it cannot direct reinstatement and is not required to meet the parents.

The governing board has a duty to consider parents’ representations about exclusion. The governing board may delegate their functions with respect to the consideration of a suspension decision to a designated sub-committee consisting of at least three governors.

13. Calling a Governors Disciplinary Meeting

Where the governing board is legally required to consider the decision of an Executive Headteacher to exclude a pupil they should:

- not discuss the suspension with any party outside of the meeting;
- ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's SEN).
- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- allow parents and pupils to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the governing body should first seek parental consent and invite the parents to accompany their child to the meeting);
- have regard to their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability in relation to mobility or communication that impacts upon their ability to attend the meeting or to make representations); and
- identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on his / her own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding18; or how the excluded pupil may feed in his / her views by other means if attending the suspension meeting is not possible.

The following parties must be invited to a meeting of the governing body and allowed to make representations:

- Parents/carers
- the Executive Headteacher
- A representative of the local authority

The governing board must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits set out above. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The governing board should identify the steps they will take to ensure all parties will be supported to participate in their consideration and have their views properly heard. This is particularly important where pupils under 18 are speaking about their own suspension or giving evidence to the governing board. When establishing the facts in relation to a suspension decision the governing board must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt'. In the light of their consideration, the governing body can either:

- uphold an exclusion; or
- direct reinstatement of the pupil immediately or on a particular date.

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

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

Where the governing board is legally required to consider a pupil's suspension they must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The governing board has a duty to consider parents' representations about exclusion. The governing board may delegate their functions with respect to the consideration of a suspension decision to a designated sub-committee consisting of at least three governors.

The governing board's consideration should only be delayed where there are exceptional circumstances that prevent it from considering the suspension within the statutory time limits. In these circumstances, the consideration should take place as soon as is practicable.

In reaching a decision on whether or not to reinstate a pupil, the governing board should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the Executive Headteacher's legal duties and the evidence that was presented to the governing body in relation to the decision to exclude.

The governing board should note the outcome of its consideration on the pupil's educational record, along with copies of relevant papers for future reference.

In cases where the governing board considers parents' representations but does not have the power to direct a pupil's reinstatement, it should consider whether it would be appropriate to place a note of its findings on the pupil's educational record.

Where legally required to consider a suspension decision, the governing board must notify parents, the Executive Headteacher and the local authority of its decision, and the reasons for it, in writing and without delay. Where the pupil resides in a different local authority from the one in which the school is located, the governing board must also inform the pupil's "home authority".

Where the governing board decides to uphold a pupil suspension it should draw the attention of parents to relevant sources of free and impartial information that will allow them to make an informed decision on whether to seek a review of the decision and the process to be followed. Schools should ensure that these sources of information are checked regularly and updated as required.

This information should be included in the letter notifying parents of a decision to uphold a suspension and should include:

- a link to this statutory guidance on exclusions (www.gov.uk/government/publications/schoolexclusion);
- a link to guidance on making a claim of discrimination to the First-tier Tribunal (www.justice.gov.uk/tribunals/send/appeals);
- a link to the Coram Children's Legal Centre (www.childrenslegalcentre.com), 0300 330 5485 where considered relevant by the governing body
- links to other information, advice and support services, School Exclusion Service 0808 800 4002.

14. Safeguarding

Suspension will not be enforced if doing so may put the safety of the pupil at risk. In cases where parents/carers will not comply by, for example, refusing to collect the child, the child's welfare is the priority. In this situation, depending on the reason for exclusion, the school may consider an internal suspension until the end of the day, implementing the original suspension decision from the time the child

is collected from school, or, in more severe circumstances the school may contact Social Services and/or the Police to take the pupil off site safely. The Designated Safeguarding Lead should be consulted where safeguarding concerns may be contributing factors in behaviour leading to suspension or permanent exclusion.

The Federation recognises its statutory duty to work with the Local Authority to identify and support children who may be at risk of becoming Children Missing Education (CME). Suspension or permanent exclusion can increase the risk of a child becoming disengaged from education and therefore appropriate monitoring and safeguarding measures must be implemented.

Where a pupil is suspended or permanently excluded, the school will:

- ensure that the pupil continues to receive appropriate educational provision in accordance with statutory requirements.
- maintain regular contact with parents/carers and, where appropriate, external agencies to support continued engagement in education.
- work closely with the Local Authority, Alternative Provision providers, social care professionals and other relevant agencies to secure suitable educational arrangements for the pupil.
- consider whether there are safeguarding concerns or additional vulnerabilities that may increase the risk of the pupil becoming missing from education.
- ensure that the Designated Safeguarding Lead (DSL) is informed where a suspended or permanently excluded pupil is considered vulnerable or where there are concerns regarding attendance, welfare or educational engagement.
- follow local authority Children Missing Education procedures where a pupil fails to attend alternative provision, cannot be located, or where there are concerns that the pupil's whereabouts are unknown.
- make all required notifications to the Local Authority following a permanent exclusion and before removing a pupil's name from the admission register in accordance with statutory requirements.
- retain accurate records of contact, interventions and referrals relating to pupils at risk of becoming Children Missing Education.

The school recognises that children who are looked after, have special educational needs and disabilities (SEND), have an Education, Health and Care Plan (EHCP), are subject to a Child Protection Plan, are Children in Need, or who experience frequent moves are particularly vulnerable to becoming Children Missing Education. Additional support and monitoring will be considered for these pupils.

Any pupil who is absent from education for a prolonged period following suspension, permanent exclusion, or a managed move will be monitored carefully. Where the school has reason to believe that a pupil may be missing education, a referral will be made to the Local Authority's Children Missing Education team without delay and safeguarding procedures will be followed as appropriate.

The Governing Board will seek assurance that appropriate procedures are in place to identify, monitor and support pupils at risk of becoming Children Missing Education and that exclusion processes are carried out in a manner that safeguards the welfare and educational entitlement of all pupils.

15. Behaviour outside school

Pupils' behaviour outside school or on school business e.g. on school trips, at sports fixtures, is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school.

16. Pupils with Special Educational Needs (SEN) and disabled pupils

The federation recognises its duties under the Equality Act 2010 and the SEND Code of Practice. The school will work proactively to prevent the need for suspension or permanent exclusion of pupils with SEND through early identification of need, appropriate support and reasonable adjustments where required.

Before deciding whether to suspend or permanently exclude a pupil with SEND, the Headteacher will consider:

- whether the pupil's behaviour was a consequence of their special educational needs or disability.
- whether appropriate provision, support and interventions have been implemented.
- whether reasonable adjustments have been made in accordance with the Equality Act 2010.
- whether further assessment or review of the pupil's needs is required.
- whether advice should be sought from the SENDCo, Educational Psychologist or other relevant professionals.
- whether an emergency review of SEND Support arrangements or an Education, Health and Care Plan (EHCP) is necessary.

Where a pupil is subject to repeated suspensions, the SENDCo will be involved in reviewing whether unmet special educational needs, communication and interaction needs, social, emotional and mental health needs, or other vulnerabilities may be contributing factors, and whether alternative or additional provision is required.

Where a pupil has an EHCP, the school will consider whether the local authority should be requested to review the provision specified within the plan.

The school will ensure that suspension and exclusion decisions are lawful, reasonable, fair and proportionate. No pupil will be suspended or excluded solely because of their SEND or disability. Both schools will take account of any special educational needs when considering whether or not to exclude a pupil. The school has duties under the Equality Act 2010 and must not discriminate against disabled pupils. The Executive Headteacher will ensure that reasonable steps have been taken by the school to respond to a pupil’s disability so the pupil is not treated less favourably for reasons related to the disability. This includes having regard to the SEN Code of Practice.

Early intervention to address underlying causes of disruptive behaviour will include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. The executive Headteacher will also consider the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.

As well as having disproportionately high rates of exclusion, there are certain groups of pupils with additional needs who are particularly vulnerable to the impacts of exclusion. This includes pupils with EHCP or SEN Support and looked after children. The Executive Headteacher will, as far as possible, avoid excluding permanently any pupil with an EHCP or a looked after child. Both schools will engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to looked after children, both schools will co-operate proactively with foster carers or children’s home workers and the local authority that looks after the child.

Where the federation has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an EHCP or a looked after child it will, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This will involve assessing the suitability of provision for a pupil's SEN. Where a pupil has an Education and Health Care Plan, EHCP, the school will consider requesting an early annual review or interim / emergency review.

Whether or not a school recognises that a pupil has special educational needs all parents have the rights to request the presence of an SEN expert at an independent review panel. The SEN role is to provide impartial advice to the panel about how SEN could be relevant to exclusion.

For pupils with SEND, reintegration planning following a suspension will involve the pupil, parents/carers, SENDCo and relevant staff. Consideration will be given to additional support, reasonable adjustments, pastoral interventions and any amendments required to SEND Support Plans or EHCP provision to reduce the risk of further suspension.

17. Marking attendance registers following suspension

When a pupil is suspended or permanently excluded, they should be marked as absent using Code E. Where alternative provision has been arranged by the LA that meets the requirements of pupil registration Code K

Where an application for an independent review panel has been made within 15 school days, the Executive Headteacher must wait until the review has been determined, or abandoned, before removing a pupil's name from the register.

18. Managed move

A managed move is a voluntary, permanent transfer of a pupil from one school to another, arranged with the agreement of all relevant parties and only where it is considered to be in the pupil's best interests. Managed moves are a supportive intervention designed to help a pupil achieve a fresh start in a new educational setting and should be considered only after appropriate support and intervention strategies have been explored.

The federation will not use managed moves as a substitute for permanent exclusion, as a means of off-rolling, or to avoid its responsibilities towards a pupil. A pupil or parent cannot be compelled to accept a managed move. Refusal to agree to a managed move will not, of itself, constitute grounds for suspension or permanent exclusion.

Before proposing a managed move, the Executive Headteacher will:

- consider whether the move is in the pupil's best interests.
- ensure that appropriate interventions and support have been implemented and reviewed.
- consult with parents/carers and, where appropriate, the pupil.
- consider any safeguarding concerns and the needs of pupils with SEND, an EHCP, looked after children, previously looked after children, or pupils with involvement from a social worker.
- share relevant information with the proposed receiving school, including attainment, behaviour, attendance, safeguarding and support needs, so that effective provision can be put in place from the outset.

Any managed move must be processed in accordance with the School Admissions Code and the receiving school's admission arrangements. A managed move cannot override normal in-year admission requirements.

The governing board will monitor the use of managed moves to ensure that they are applied fairly, consistently and in accordance with statutory guidance. Records of all managed move discussions, decisions and outcomes will be maintained.

Where appropriate, an off-site direction may be used as a separate intervention in accordance with statutory guidance. However, any subsequent managed move must be agreed by all parties and must result in a permanent change of school placement rather than a trial arrangement. Trial managed moves are not permitted.

19. Removal from the school for other reasons

The Executive Headteacher may send a pupil home, after consultation with that pupil's parents/carers and a health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, for example because of a diagnosed illness such as a notifiable disease. This is not suspension and should be for the shortest possible time.

20. Criminal Proceedings

The Executive Headteacher does not need to postpone taking a decision on a suspension solely because a police investigation is underway and / or any criminal proceedings may be brought. In such circumstances, the Executive Headteacher will need to take a decision on the evidence available to them at the time.

Where the evidence is limited by a police investigation or criminal proceedings, the Executive Headteacher will give particular consideration to ensuring that the decision to exclude is fair. However, the final decision on whether to exclude is for the Executive Headteacher to make. Where the governing board is required to consider an Executive Headteacher's decision in these circumstances they cannot postpone their meeting and must decide whether or not to reinstate the pupil on the evidence available.

The fact that parallel criminal proceedings are in progress should also not directly determine whether an independent review panel should be adjourned. Relevant factors for the panel to consider will include:

- whether any charge has been brought against the pupil and, if so, what the charge is;
- whether relevant witnesses and documents are available;
- the likelihood of delay if the hearing were adjourned and the effect it may have on the excluded pupil, the parents, any victim or the school; and
- whether an adjournment or declining to adjourn, might result in injustice.
- where a panel decides to adjourn, the clerk will be responsible for monitoring the progress of any police investigation and / or criminal proceedings, as well as for reconvening the panel at the earliest opportunity. If necessary, the panel may adjourn more than once.

21. Procedure for appeal

Claims of discrimination to the first-tier tribunal or County Court can be made up to six months after the discrimination is alleged to have occurred. Where practicable, schools should retain records and evidence relating to a suspension for at least six months in case such a claim is made.

If parents/carers wish to appeal the decision to exclude, the matter will be referred to the Governing Board and handled through the Local Authority appeal procedure.

If a parent disputes the decision not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel.

22. Independent Review panel

Parents may request an independent review panel even if they did not make a case to, or attend, the meeting at which the governing body considered the exclusion.

Parents should be informed that, if they believe it to be appropriate, they should include a reference about how they consider their child's special educational to be relevant to the exclusion.

Where an application for an independent review panel has been made within 15 school days, the Executive Headteacher must wait until the review has been determined, or abandoned, before removing a pupil's name from the register. Where a pupil's name is to be deleted from the school admission register because of a permanent suspension the school must make a return to the local authority. The return must give the full name of the pupil, the address of any parents with whom the pupil normally resides and the ground upon which their name is to be deleted from the admission register (i.e. permanent exclusion). This return must be made as soon as the ground for deletion is met and no later than the deletion of the pupil's name.

The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the governing body of their decision to uphold a permanent exclusion; or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion. Any application made outside of the legal time frame will be rejected by the local authority. An independent review panel does not have the power to direct a governing body to reinstate an excluded pupil. However, where a panel decides that a governing board's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing board to reconsider its decision.

Where the panel directs or recommends that the governing board reconsiders their decision, the governing board must reconvene to do so within 10 school days of being given notice of the panel's decision. Notice is deemed to have been given on the same day if it is delivered directly or on the second working day after posting if it is sent by first class mail.

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

- the parents/carers
- the Executive Headteacher
- the local authority and, where relevant, the 'home authority'

23. Consideration to reinstate a Pupil

In reaching a decision on whether or not to reinstate a pupil, the governing board should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the head teacher's legal duties.

The governing board should note the outcome of their consideration on the pupil's educational record, along with copies of relevant papers for future reference.

In cases where the governing board considers parents' representations but does not have the power to direct a pupil's reinstatement, they should consider whether it would be appropriate to place a note of their findings on the pupil's educational record.

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

The governing board must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the suspension if:

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

Where reinstatement is not practical or not required, the governing board must, in any event, consider whether the head teacher's decision to exclude the child was justified based on the evidence.

24. Consideration following a review.

Where the panel directs or recommends that the governing board reconsiders its decision, the governing board must reconvene to do so within 10 school days of being given notice of the panel's decision. Notice is deemed to have been given on the same day if it is delivered directly or on the second working day after posting if it is sent by first class mail.

It is important that the governing board reconsiders its decision conscientiously, whether the panel has directed or recommended it to do so. Whilst the governing board may still reach the same conclusion as it first did, it may face challenge in the courts if it refuses to reconsider its original decision without strong justification.

Any stated intention that the excluded pupil does not to wish to return to the school has no bearing on the duty of the governing board to reconvene and reconsider its decision.

It is for the governing board to decide which governors should meet to reconsider its decision. These could be governors involved in the original decision; those not involved in the decision; or a combination of both.

If, following a direction to reconsider, the governing board does not offer to reinstate the pupil within 10 school days of being notified of the panel's decision; an adjustment may be made to the school's budget in the sum of £4,000. If the governing board offers to reinstate the pupil within the specified timescale but this is declined by the parents, no adjustment or payment should be made.

The governing board must comply with any direction of the panel to place a note on the pupil's educational record.

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

- the parents/carers
- the Executive Headteacher;
- the local authority and, where relevant, the “home authority”.

25. Policy Review

This policy will be reviewed after any school suspension to ensure that the procedures and guidelines contained within this policy are robust and fit for purpose. If there are no exclusions this policy will be reviewed as a matter of routine review every 3 years, unless further statutory guidance is issued. This policy is written with the information provided by the GCC Exclusion from mainstream school’s guidance.

26. Equality / Inclusion

The school recognises that it has to make special efforts to ensure that all groups prosper regardless of their sex or gender, age, sexual orientation, marital or parental status or other family circumstance, race, ethnic or national origin, colour, creed, disability, it includes those with special educational needs; those who have difficulties accessing the school or services; those who speak English as an additional language; those who have frequent moves and lack stability leading to time out of school (e.g. children in care);those who as children are caring for others; who come from homes with low income and/or inadequate home study space; those who experience bullying, harassment or social exclusion; those with low parental support or different parent expectations; those with emotional, mental and physical wellbeing needs; those who exhibit challenging behaviour and those who come from ethnic minority groups including travellers, refugees and asylum seekers.

Relationship to other policies

Anti-Bullying Policy
Behaviour and Discipline Policy
Equal Opportunities Policy
Health and Safety Policy
Safeguarding / Child Protection Policy
SEND Policy
Health and Safety policy