Suspension and Permanent Exclusion Policy

Academic year 2026 to 2027

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Review completed 26 October 2026. Next planned review October 2027, or earlier following relevant change.

Policy owner: Headteacher and Trust Governance Lead. Approval authority: Local Governing Body under the Trust scheme of delegation.

Status: Revised for approval. Approval date and effective date are to be recorded by the authorised body on ratification.

This edition updates the supplied policy for 2026–27. Existing legal duties apply irrespective of the policy approval date. Staff must follow current safeguarding and safety procedures while approval is completed.

Statement of intent

At Pope Francis Catholic Multi Academy Trust, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending or excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding pupils 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 body and LA when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

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

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

1. Legal framework

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

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- 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 (July 2026) ‘Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement’
- DfE ‘Behaviour in schools’ (current edition)
- 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 policies:

- Behaviour Policy
- Pupil Code of Conduct
- Special Educational Needs and Disabilities (SEND) Policy
- Child Protection and Safeguarding Policy

2. Roles and responsibilities

The local authority is responsible for arranging suitable full-time education for permanently excluded pupils of compulsory school age from the sixth school day and for its SEND and looked-after-child duties. It must be notified of all suspensions and permanent exclusions without delay.

The Academy Trust, not the local authority, is responsible for arranging an independent review panel for an academy permanent exclusion, including appropriately trained panel members, clerking and any requested SEN expert at no cost to parents. It may commission these arrangements, but retains responsibility.

The term governing body in this policy means the Trust Board or properly delegated panel under the Trust scheme of delegation, not an assumption that every LGB has authority to determine exclusions.

The governing body is responsible for:

- Providing information to the Secretary of State and LA about any suspensions and exclusions within the last 12 months.
- Arranging suitable full-time education for any pupil of compulsory school age who is suspended, where required.
- Considering reinstatement and representations within the applicable deadlines in section 11.
- Where a suspension or exclusion would result in a pupil missing a public examination or test, considering the suspension or exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Considering the interests and circumstances of the suspended or excluded pupil, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the school.
- Using the civil standard of proof (based on the ‘balance of probabilities’, it is more than likely that the fact is true) when establishing the facts relating to a suspension or exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil’s education record, along with copies of relevant papers for future reference.
- Notifying the pupil’s parents, the headteacher and the LA of its decision and the reasons for it, without delay.
- 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 appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.

- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the suspensions and exclusions review panel.
- Using data to evaluate the school's practices regarding intervention, suspension and exclusion.

The clerk to the suspensions and exclusions review panel is responsible for:

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

The headteacher is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g. if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, those eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be suspended or excluded on disciplinary grounds.
- Withdrawing any suspensions or exclusions that have not been reviewed by the governing body, 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 pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension or exclusion.
- Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a pupil's parents without delay where the decision is taken to suspend or exclude the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the governor responsible and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.

- Notifying the governing body once per term of any exclusions in the headteacher's report to governors.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged.

3. Grounds for suspension or exclusion

The headteacher will consider the seriousness, evidence, relevant support, alternatives and proportionality of each case. Permanent exclusion is a last resort and must satisfy both the serious-or-persistent-breach and serious-harm tests. A serious one-off incident can justify permanent exclusion; it is not necessary to exhaust every lesser sanction first. Suspensions must be lawful, fair and proportionate.

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

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Bullying
- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse Pupils can be suspended on a fixed-period basis, i.e. for up to 45 school days within a year, or permanently excluded. Similarly, pupils can be permanently excluded following a suspension, where further evidence is presented. In all cases, the headteacher will decide whether a pupil will be subject to a suspension or an exclusion, depending on what the circumstances warrant.

4. The headteacher's power to suspend and exclude

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

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

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

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

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

The headteacher may cancel a suspension or permanent exclusion before the governing board has met to consider reinstatement, subject to the current statutory restrictions, including the 45-school-day limit. Record the reason, notify all required parties without delay, offer a meeting within 10 school days and arrange prompt return. A cancelled exclusion remains recorded as cancelled; days out of school remain relevant to the statutory total.

Where a suspension or exclusion is cancelled, the headteacher will notify the pupil's parents, the governing body, the LA, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The headteacher will offer the pupil's parents the opportunity to meet with the headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school.

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 body once per term, to allow the governing body to have appropriate oversight.

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

All suspensions and exclusions will be formally recorded on the school's pupil information system (MIS).

5. Factors to consider when suspending or excluding a pupil

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

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

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

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

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

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's Behaviour Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered. The headteacher must consider unmet needs, support and reasonable adjustments and comply with the Equality Act 2010. A graduated response is important but is not an absolute prerequisite preventing a lawful suspension or permanent exclusion for a serious incident.

Where a pupil 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 pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination.

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

6. Preventative measures pupil movement and reintegration

The school will use early support, reasonable adjustments, behaviour planning, family engagement and appropriate multi-agency assessment to address barriers. A managed move is a voluntary, permanent transfer agreed with the family and receiving school; never pressure a family into it or permanently exclude solely because it is refused. Do not use informal exclusions, coerced home education or off-rolling.

From 26 July 2026 academy off-site directions follow the statutory framework under section 29A of the Education Act 2002 and the applicable 2010 Regulations as applied and amended in 2026. A direction is temporary education to improve future behaviour, not a punishment. The authorised Trust decision maker will specify objectives, duration, curriculum and reintegration, check provider suitability and safeguarding, share necessary information and maintain oversight of attendance and SEND provision.

Notify parents, or the pupil if aged 18 or over, and the local authority where there is an EHC plan, in writing as soon as practicable and no later than two school days before the relevant day. Include the provider address, reporting person, days, session times, reasons and objectives. Review throughout the placement; respond to written review requests as soon as reasonably practicable unless a review occurred in the preceding 10 weeks. Give written invitations at least six days before review meetings and decisions with reasons no later than six days afterwards. Check any continuing pre-26-July placement against the transitional notice and review requirements.

Plan reintegration after suspension with the pupil and parents, including support, catch-up and review. A return to school must not depend on a parent attending a reintegration meeting or agreeing conditions.

7. Duty to inform parents

Following the headteacher's decision to suspend or exclude a pupil, they will immediately inform the parents, in person or by telephone, supported by email communication, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.

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

- The reasons for the suspension or exclusion
- The length of the suspension or permanency of the exclusion
- Their right to raise any representations about the suspension or exclusion to the governing body, including how the pupil will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the governing body to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
- Relevant sources of free, impartial information

Where the pupil is of compulsory school age, the headteacher will inform the parents by the end of the afternoon session that for the first five days of the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), parents are legally required to

ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.

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

- The start and end date for any provision of full-time education
- The address at which the provision will take place
- Any information necessary for the pupil to identify the person they should report to on the starting date Where 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 pupil 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 pupil for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents without delay and issue a new suspension or exclusion notice to parents.

8. Duty to inform the governing body and LA

The headteacher will inform the governing body, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the pupil)
- Any suspensions which would result in the pupil being suspended for more than 5 school days in a term (or more than 10 lunchtimes)
- Any suspensions or exclusions which would result in the pupil being absent from an examination or national curriculum test For any suspensions and exclusions, other than those above, the headteacher will notify the governing body once per term.

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

All notifications to the governing body and LA will include the reasons for suspension or exclusion and the duration of any suspension.

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

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

When a pupil has been suspended or excluded, the headteacher will, without delay, notify the pupil's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.

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

10. Education during suspension and permanent exclusion

For pupils of compulsory school age, the Trust or delegated governing body will arrange suitable full-time education from the sixth school day of suspension. Consecutive suspensions count continuously for this duty. For permanent exclusion, the home local authority arranges suitable full-time education from the sixth school day. Earlier provision is encouraged, particularly for vulnerable pupils, and the school will work with the social worker or VSH where relevant.

The school will take reasonable steps to set and mark accessible work during the first five school days where alternative provision is not in place. An online task alone does not automatically discharge a sixth-day full-time education duty. Confirm provision and practical arrangements in writing and monitor participation and safeguarding.

There is no blanket exemption merely because a pupil is in Year 11 or has no examinations remaining: apply the statutory compulsory-school-age rules. For pupils with SEND, consult parents and the SENCO and involve the local authority where necessary to secure EHC plan provision, review placement and make reasonable adjustments. Parents receive the information required about days one to five, provision and public-place restrictions.

11. Governing board consideration and review deadlines

The authorised governing board panel will consider reinstatement within 15 school days of notice where the exclusion is permanent, where suspensions total more than 15 school days in a term, or where a public examination or national curriculum test would be missed.

Where suspensions total more than five but no more than 15 school days in a term, the panel must consider reinstatement within 50 school days if parents make representations. Without a request, it may consider reinstatement but is not required to do so. For totals of five days or fewer, it must consider any parental representations, but cannot direct reinstatement and need not arrange a meeting.

For a missed public examination or test, take reasonable steps to meet before it. An academy cannot use the maintained-school power for the chair alone to determine reinstatement. The Trust must use a lawfully constituted panel and consider whether allowing examination attendance separately is appropriate.

Invite parents, their representative, the headteacher and, where relevant, the pupil, social worker and VSH; follow the statutory rules for LA participation in academy hearings. Support pupil voice, accessibility and reasonable adjustments, share papers in good time, normally at least five school days before, and retain impartial minutes. Remote attendance can be requested under the statutory conditions and must be explained in notices; use face-to-face arrangements where fairness or effective participation cannot be secured remotely.

12. Reaching a decision

After considering suspensions and exclusions, the governing body will either:

- Decline to reinstate the pupil.
- Direct the reinstatement of the pupil immediately, or on a specified date. If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the governing body will still consider whether the pupil should be officially reinstated, and whether the headteacher's decision to suspend or exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The governing body 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 body will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.

- Consider whether the suspension or exclusion of the pupil was lawful, proportionate and fair, taking into account the headteacher's legal duties and any evidence that was presented to the governing body in relation to the decision.
- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
- Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the pupil.

13. Notification of considered suspensions and exclusions

The governing body will notify the parents of the suspended or excluded pupil, the headteacher, and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay. In the case of exclusion, where the governing body decides not to reinstate the pupil, they will notify the parents:

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

Notify parents that disability-discrimination claims may be brought to the First-tier Tribunal (SEND), and claims concerning other protected characteristics to the County Court, normally within six months of the alleged discrimination. Explain the separate independent-review route and do not imply a discrimination claim is compulsory.

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

14. Removing excluded pupils from the school register

The headteacher will remove pupils from the school register if:

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

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

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

- All the particulars which were entered in the register.
- The address of any parent with whom the pupil normally resides.

- The grounds upon which the pupil's name is to be removed from the register.

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

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

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

- Code B: Approved educational activity off-site where the statutory conditions apply
- Code D: Attendance at another school where registered
- Code E: Suspended or permanently excluded and no alternative provision made

15. Independent review panel

The Academy Trust will arrange an independent review where parents apply within the required time frame.

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

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity
- A current or former school governor who has served for at least 12 consecutive months in the last 5 years
- A headteacher or individual who has been a headteacher within the last 5 years Parents are required to submit their applications within:
- 15 school days of the governing body's notification of their decision.
- 15 school days of the final determination of a discrimination claim made under the Equality Act 2010.

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

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

16. Appointing a SEND expert

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

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

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

The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND.

Examples of suitable individuals include educational psychologists, specialist SEND teachers, SENCOs and behaviour support teachers.

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

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

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

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

17. The role of the SEND expert

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

The focus of the SEND expert's advice will be on whether the school's policies which relate to

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

Where the school does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

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

18. Appointing a clerk

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

Where a clerk is appointed, the Academy Trust will ensure that the clerk did not serve as clerk to the governing body when the decision was made not to reinstate the pupil.

19. The role of the clerk

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

The clerk will:

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

20. The duties of the independent review panel

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

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

- Uphold the decision
- Recommend that the governing body reconsiders reinstatement
- Quash the decision and direct that the governing body reconsiders reinstatement

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

21. Reconsidering reinstatement following independent review

Where an independent review panel directs or recommends reconsideration, the authorised governing board must reconsider within 10 school days of receiving the decision. The panel cannot itself reinstate the pupil. The board will record its reconsideration and notify parents, the headteacher and local authority of the decision and reasons without delay.

If the IRP quashes the original decision and directs reconsideration, and the board does not offer reinstatement within the statutory period, the applicable academy rules require a £4,000 payment to the local authority in whose area the school is located. A recommendation alone does not trigger that payment. No payment is due where a compliant reinstatement offer is declined by parents. The Trust governance lead will apply the current statutory conditions and arrange any required payment; the Trust does not pay itself.

22. Criminal investigations

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

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

If the governing body 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.

23. Training requirements

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

- The requirements of the legislation, regulations and statutory guidance governing suspensions and exclusions.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair of a review panel.
- The role of the clerk to a review panel.
- The duties of headteachers, governing bodies 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.

24. Using data

The headteacher will ensure that all data regarding suspensions and exclusions is collected and provided to the governing body on a termly basis. The governing body will review this data regularly in order to:

- Consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- Gather information on pupils who are taken off the roll and those who are on the roll but attending education off-site.
- Determine whether there are any patterns of suspensions and exclusions across the trust.
- Consider the effectiveness and consistency in implementing the Behaviour Policy.
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Understand the characteristics of suspended and excluded pupils and evaluate equality considerations.
- Gather information on where pupils are receiving repeat suspensions.
- Evaluate interventions in place to support pupils at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.
- Analysing whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives.

25. Monitoring and review

This policy will be reviewed annually by the headteacher in conjunction with the governing body.

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

26. Safeguarding equality and procedural assurance

Before deciding, consider unmet SEND, disability, mental health, safeguarding, reasonable adjustments and any EHC plan. Seek SENCO and local-authority input where appropriate; an early EHC review may be needed where placement is at risk. Do not exclude simply for disability, unmet needs, low attainment or a parent's conduct. Record the pupil's account and reasons for the decision.

Notices and reviews must follow the current statutory guidance, including cancellation, remote hearings, independent review within 15 school days of application and correct deletion from the admission register. An independent review cannot itself order reinstatement; it may uphold, recommend reconsideration, or quash and direct reconsideration. Keep records and evidence under the Trust retention schedule, with at least the statutory-guidance minimum and any litigation hold. Termly governor reports will evaluate repeat suspensions, pupil groups, lost learning, pupil movement and the impact of support.

Appendix A Governing board review checklist

Trigger	Required consideration
Permanent exclusion or more than 15 suspension days in a term	Consider reinstatement within 15 school days of notice.
Public exam or national curriculum test affected	Take reasonable steps to meet before the exam; academy panel rules apply.
More than five and up to 15 days in a term	On parental representations, consider within 50 school days; otherwise consideration is optional.
Five days or fewer in a term	Consider parental representations; no power to direct reinstatement and no required meeting.
Independent review application	Trust arranges IRP within 15 school days of application. Explain SEN-expert and remote-access rights.
Reconsideration directed or recommended by IRP	Reconvene within 10 school days; apply the relevant payment rules if a quashing direction is followed by no reinstatement offer.

Review sources and related guidance

Suspension and permanent exclusion statutory guidance July 2026

Keeping children safe in education 2026

Guidance checked on 26 October 2026. Use the current version on the official source page and review this policy sooner if relevant requirements change.