



# Suspensions and Permanent Exclusions Policy

## Equalities Statement

In our Trust we work to ensure that there is equality of opportunity for all members of our community who hold a range of protected characteristics as defined by the Equality Act 2010, as well as having regard to other factors which have the potential to cause inequality, such as socio-economic factors. For further information, please see our Equalities Policy.

## Document Management

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## 1. Introduction

1.1 Swale Academies Trust aims to ensure that:

- The suspension and permanent exclusions process is applied fairly and consistently.
- The suspension and permanent exclusions process is understood by governors, staff, parents and pupils.
- Pupils in school are safe and happy.
- Pupils do not become NEET (not in education, employment or training).

1.2 Within 14 days of receipt of a request, the Trust will provide the secretary of state with information about any exclusions across the Trust in the preceding 12 months.

## 2. Legislation and statutory guidance

2.1 This policy is based on statutory guidance from the Department for Education, September 2023

[Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#)

2.2 It is based on the following legislation, which outline schools' powers to suspend or permanently exclude pupils:

- Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#).
- [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#).
- Sections 64-68 of the [School Standards and Framework Act 1998](#).

2.3 In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for suspended pupils.
- Section 579 of the Education Act 1996, which defines 'school day'.
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.
- [Behaviour in Schools guidance: Keeping Children Safe in Education](#);
- [Mental health and behaviour in schools](#);
- [Understanding Your Data: a guide for school governors and academy trustees](#).

2.4 This policy complies with Swale Academies Trust funding agreement and articles of association.

## 3. Terminology

3.1 Use of the terms "suspend" and "suspension" in this policy are references to what is described in the legislation as an "exclusion for a fixed period".

3.2 Use of the term "Headteacher" refers to the substantive Headteacher of the school or, where appropriate, the Executive Headteacher.

## **4. Reasons for Suspensions and Permanent Exclusions**

4.1 Headteachers are trusted to use their professional judgement based on the individual circumstances of the case when considering whether to suspend or permanently exclude a pupil. The reasons below are examples of the types of communication that may warrant suspension or permanent exclusion. The list is not exhaustive or definitive:

- 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 use, of an offensive weapon or prohibited item that has been prohibited by the school behaviour policy
- Bullying (including cyberbullying, prejudice based or discriminatory)
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability
- Child-on-child abuse (se.g. sexual violence, sexual harassment, teenage relationship abuse, consensual and non-consensual sharing of nude/semi-nude images or videos, upskirting).

## **5. The decision to suspend / permanently exclude a pupil**

5.1 As a Trust, we believe that punitive responses to anti-social behaviour rarely change behaviour for the better. Education is our key priority. All our schools are ambitious to achieve the best for all pupils, regardless of age, ability, or background.

5.2 It is expected that any pupil at risk of suspension or permanent exclusion is identified early so that support can be implemented and reviewed, and an Additional Needs Plan / Personalised Learning Plan put in place as required.

5.3 Headteachers will be mindful of the safeguarding risks of suspending or excluding a pupil with a social worker. Headteachers will ensure that the social worker, school DSL and the pupil's parents/carers will be involved as early as possible in any behaviour issues which could result in a suspension or permanent exclusion in the future. Where the pupil is LAC, the Headteacher will ensure that the Virtual School Head (VSH) and the Designated Teacher are involved in the discussion as well, to consider what further assessments and support are needed to prevent a suspension or permanent exclusion.

5.4 If informed of any suspensions or permanent exclusions of pupils under their care, the social worker and the VSH (in the case of a LAC pupil) will be invited to participate in any Local Governing Body meetings and independent review panels.

5.5 If a pupil has an EHCP, schools should contact the Local Authority (LA) about any behavioural concerns, and consider requesting an emergency annual review prior to any decision to suspend or permanently exclude.

5.6 Schools must use their best endeavours to ensure that the appropriate special educational provision is made for pupils with SEN. All schools are to make reasonable adjustments for disabled pupils (pupils who have "a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities" – this is likely to include pupils with ADHD and ASD).

5.7 Suspension or Permanent Exclusion should be used as a last resort and as a protective consequence, in response to persistent or serious 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 pupil and/or others in the school.

5.8 Headteachers are aware that the following are unlawful:

- excluding a pupil whose behaviour is a direct consequence of a disability (Equality Act 2010);
- sending a pupil home informally to “cool off”;
- asking a parent/carer to take a pupil home to avoid suspension;
- suspending a pupil for a non-disciplinary reason, such as the behaviour of a parent;
- suspending a pupil because they have special educational needs and/or a disability, and the school feels unable to support them or meet their needs;
- suspending a pupil because of poor academic performance;
- encouraging parents to choose elective home education or to find another school place for their child;
- pressuring parents/carers to accept a managed move;
- using part-time timetables as a strategy for managing behaviour.

All schools are aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

5.9 Whenever a pupil is sent home due to disciplinary reasons and asked to log on or use online pathways, this must always be recorded as a suspension.

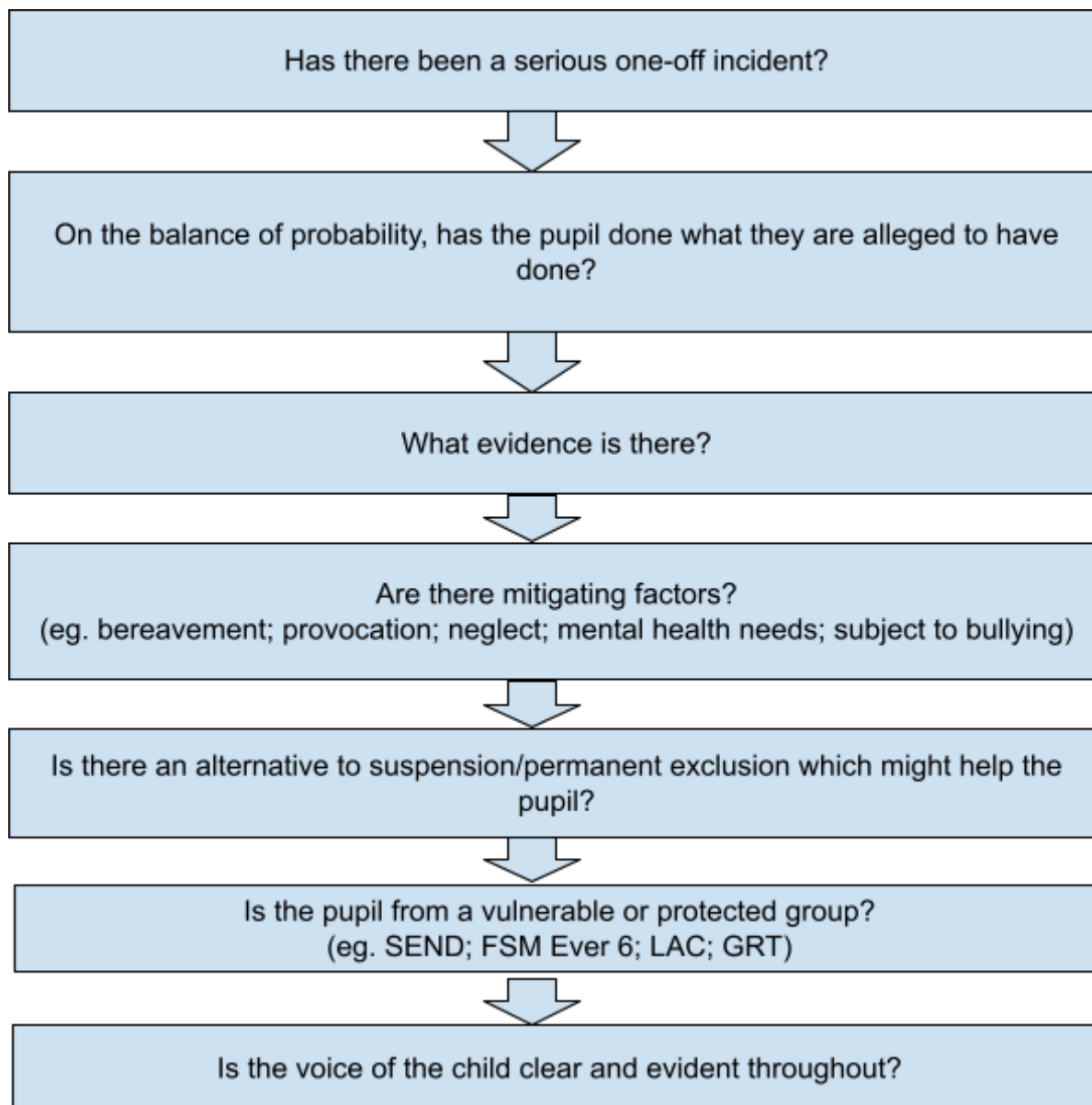
5.10 Only a Headteacher, or acting Headteacher, can authorise a suspension or permanent exclusion. A permanent exclusion will be taken as a last resort.

5.11 A decision to suspend or permanently exclude a pupil will be taken only:

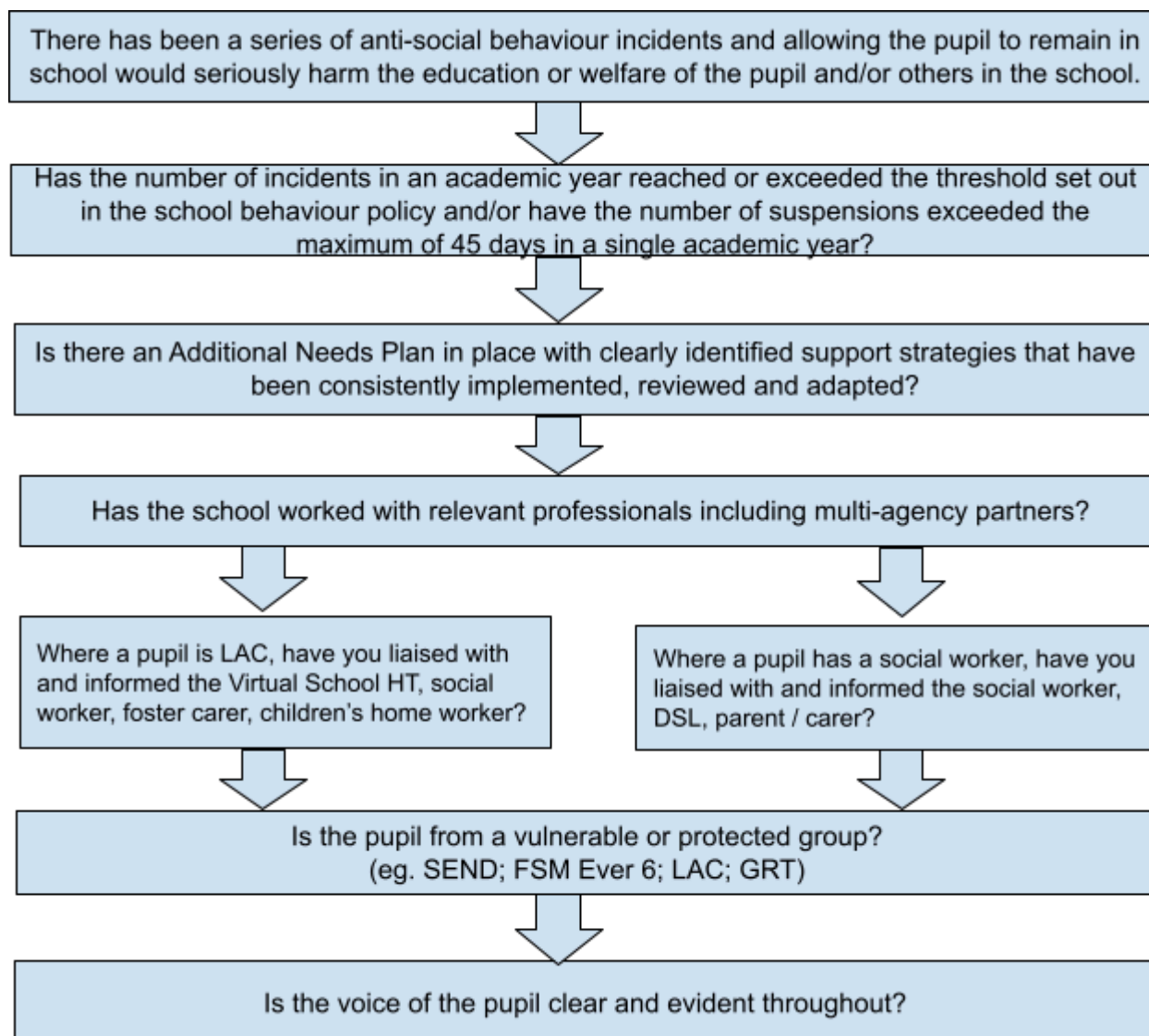
- In response to serious or persistent breaches of the school’s behaviour policy, and
- If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil and / or others.

5.12 Before deciding whether to suspend or permanently exclude a pupil, the Headteacher will consider whether it is for a Serious One-off Incident (fig.1) or for Cumulative Reasons (fig2):

**Fig.1: Factors to be considered prior to suspension or permanent exclusion for a serious one-off incident**



**Fig.2: Factors to be considered prior to suspension or permanent exclusion for cumulative reasons**



5.13 The pupil's view of events must be taken into account, considering these in light of their age and understanding, before deciding whether to suspend or permanently exclude. Pupils must have the support of an advocate to express their view if necessary, such as a parent or social worker. Pupils must be informed of how their views were taken into consideration in reaching a decision.

5.14 Whilst an exclusion may still be an appropriate sanction, the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider [paragraph 45 of the Behaviour in Schools guidance](#).

## 6. Definitions

6.1 For the purposes of suspensions or permanent exclusions, "school day" is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

6.2 A suspension is where a pupil is temporarily removed from the school and is considered an essential behaviour management tool as set out within the school's behaviour policy. 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.

6.3 A suspension can also be used for parts of the school day e.g. if a pupil's behaviour at lunchtimes is disruptive, they may be suspended from the premises for the duration of the lunchtime period. The legal requirements relating to suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.

6.4 The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension ends; or a permanent exclusion may be issued to begin after the end of the suspension.

6.5 A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated).

6.6 Off-site direction is when a school requires a pupil to attend another education setting temporarily to improve their behaviour.

6.7 A managed move is when due process is used leading to the transfer of a pupil to another mainstream school permanently.

## **7. Roles and responsibilities**

### **7.1 The Headteacher**

When the Headteacher is considering a permanent exclusion, they must contact their EHT / SIE immediately so that a meeting can be arranged to discuss the process.

#### **7.1.1 Informing parents**

The Headteacher will immediately provide the following information, in writing, to the parents of a suspended or permanently excluded pupil:

- The reason(s) for the suspension or permanent exclusion.
- The length of suspension, or, for a permanent exclusion, the fact that it is permanent.
- Information about parents' right to make representations about the suspension or permanent exclusion to the Local Governing Body and how the pupil may be involved in this.
- Where there is a legal requirement for the Local Governing Body to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.

The Headteacher will also notify parents by the end of the afternoon session on the day their child is suspended or permanently excluded that for the first 5 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 a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of a suspension or permanent exclusion:

- The start date for any provision of full-time education that has been arranged.



- 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.
- Any information required by the pupil to identify the person they 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 will be provided 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 suspension, in which case the information can be provided with less than 48 hours' notice with parents' consent.

### **7.1.2 Informing the governing body and local authority**

The Headteacher will immediately notify the governing body and the local authority (LA) of:

- A permanent exclusion.
- Suspensions which would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) in a term.
- Suspensions which would result in the pupil missing a public examination.

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other suspensions, the Headteacher will notify the governing body and LA once a term.

### **7.1.3 Suspending or permanently excluding a pupil during police involvement and/or parallel criminal proceedings**

The Headteacher need not postpone taking a decision on a suspension and permanent exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the Headteacher will need to take a decision on the evidence available to them at the time. Schools have a statutory duty to make arrangements for safeguarding and promoting the welfare of their pupils as set out in Keeping Children Safe in Education.

## **7.2 The Designated Safeguarding Lead (DSL)**

### **7.2.1 In cases involving child-on-child abuse:**

A safeguarding investigation may run parallel to any considerations to suspend or permanently exclude a pupil involved in the incident. The DSL must remain focused on the duties to:

- Safeguard and promote the welfare of pupils.
- Provide a suitable education.

Decision making is the responsibility of the Headteacher, but the DSL should provide their professional judgement, supported by other agencies as required.

### **7.2.2 In cases where a pupil is permanently excluded:**

The DSL of the excluding school should transfer the pupil's child-protection file to the new school:

- Within 5 days for an in-year transfer, or
- Within the first 5 days of a new term

This child-protection file should be transferred separately from the main pupil file, securely and with confirmation of receipt.

If a Trust school is receiving a permanently excluded pupil, the DSL must be aware of the pupil's file and share this on a need-to-know basis.

### **7.3 Local Governing Bodies (LGBs)**

7.3.1 Responsibilities regarding suspensions and exclusions are delegated to Local Governing Bodies.

7.3.2 Governors must review and challenge data, including suspensions, permanent exclusions and movements off-site.

7.3.3 Governors must analyse data for patterns, e.g. where a large number of pupils with specific characteristics are affected by suspensions / permanent exclusions / pupil moves, and when this has happened. They will:

- Review whether the data reflects that the school's behaviour policy is being implemented effectively and consistently;
- Review whether the school register is being maintained accurately using the correct absence codes;
- Review instances where pupils receive repeat suspensions;
- Review the number of days pupils are suspended, including the number of days individual pupils are suspended multiple times;
- Monitor interventions in place to support pupils at risk, to prevent suspensions and exclusions;
- Analyse any variation in the rolling average of permanent exclusions to understand why it's happening and what can be done to prevent it;
- Consider the timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working;
- Review the characteristics of suspended and permanently excluded pupils, and why this is taking place;
- Make sure that pupils that are directed off-site are reviewed at regular intervals to assure that the education is achieving its objectives and that pupils are benefiting from it;
- Consider the cost implications of educating pupils off-site.

### **7.4 Governors' procedures for reviewing suspensions and exclusions**

7.4.1 For suspensions of more than 5 but fewer than 16 school days in a term:

- If parents/carers make representations, the Local Governing Body must consider these and decide within 50 school days of receiving notice of suspensions whether the pupil should be reinstated;
- If parents/carers do not make representations, the Local Governing Body is not required to meet and cannot direct reinstatement.

7.4.2 For suspensions of fewer than 5 school days in a term:

- The Local Governing Body must consider any representations made by parents/carers, but cannot direct reinstatement and is not required to arrange a meeting with parents/carers.

7.4.3 For suspensions of more than 15 days in a term and permanent exclusions:

A Governors' Discipline Committee (GDC), also known as Independent Review Panel (IRP), must be held within 15 school days receiving notice of a suspension of more than 15 days or permanent exclusion.

A GDC/IRP must also be held if a suspension or permanent exclusion would result in a pupil missing a public examination or National Curriculum test. Governors will consider the suspension or permanent exclusion and decide whether to reinstate the pupil before or on the date of the examination; or to decline to reinstate the pupil. In reaching a decision, the Local Governing Body/GDC will consider whether the suspension or permanent exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties.

For reviewing decisions to suspend or permanently exclude a pupil, the Local Governing Body must invite the following:

- Parents/Carers (and, where requested, a representative or friend);
- The Headteacher;
- The pupil if they are 18 or older;
- The pupil's social worker if the child has one, and
- The VSH if the child is a LAC.

A Local Authority representative may be invited to attend to answer questions about statutory and best practice expectations.

#### **7.4.4 Procedural arrangements for review**

The Local Governing Body can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date.

They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to suspend or permanently exclude.

The meeting must be clerked by a person who has had appropriate training. Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The Local Governing Body will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

In the case of a permanent exclusion, the GDC/IRP's decision will also include the following:

- The fact that it is permanent.
- Notice of parents'/carers' right to ask for the decision to be reviewed by an independent review panel, and:
  - The date by which an application for an independent review must be made.
  - The name and address to whom an application for a review should be submitted.
  - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion.
  - That, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require Swale Academies Trust to appoint an SEN expert to attend the review.
  - Details of the role of the SEN expert and that there would be no cost to parents/carers for this appointment.
  - That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review.
  - That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review.
- That if parents believe that the permanent exclusion has occurred as a result of discrimination, 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. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

## **8. An independent review**

8.1 If parents/carers apply for an independent review, the Trust will arrange for an independent panel to review the decision of the Local Governing Body not to reinstate a permanently excluded pupil.

8.2 Applications for an independent review must be made within 15 school days of notice being given to the parents by the Local Governing Body of its decision to not reinstate a pupil.

8.3 A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors' category and 2 members will come from the Headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Headteachers during this time.
- Headteachers or individuals who have been a Headteacher within the last 5 years.

8.4 A clerk will be appointed to the panel.

8.5 The independent panel will decide one of the following:

- Uphold the Local Governing Body's decision.
- Recommend that the Local Governing Body reconsiders reinstatement.
- Quash the Local Governing Body's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed).

8.6 The panel's decision can be decided by a majority vote. In the case of a tied decision, the Chair has the casting vote.

## **9. Providing education during the first 5 days of suspension or permanent exclusion**

9.1 Schools will ensure that suitable work is set and marked for the first 5 days of suspension or permanent exclusion. Online pathways like Google Classroom and Oak Academy may be used to meet this need.

9.2 It is important that during a suspension, pupils still receive their education. Headteachers should take steps to ensure that work is set and marked for pupils during the first five days of a suspension. This can include any online pathways such as Google Classroom. The school's legal duties to pupils with disabilities or SEN remain in force, for example, to make reasonable adjustments in how they support SEND pupils during this period.

9.3 For pupils who are LAC or have a social worker, schools will work with the LA to arrange alternative provision (AP) from the first day of suspension or permanent exclusion. Where that is not possible, schools should take reasonable steps to set and mark work for the pupil. Online pathways can be used.

9.4 For secondary schools only:

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

## **10. Successfully reintegrating pupils following suspension**

10.1 Schools must have a reintegration strategy that offers the pupil a fresh start and helps them re-engage with their learning. This strategy will consider a range of measures - academic, pastoral, internal and external - to support the

pupil's successful reintegration based on need. This strategy should be communicated clearly at the reintegration meeting, preferably with the parents present (but as before, attendance can't be a pre-condition to readmission).

10.2 Where necessary, schools should work with multi-agency partners to identify any SEND and/or health needs.

10.3 Schools will not use a part-time timetable for behaviour management; where one is appropriate, it should be for the shortest time possible and reviewed regularly.

10.4 The Trust Guidance on Reintegration Meetings following a suspension or off-site direction should be followed (appendix 6). During a reintegration meeting, the school should communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible, this meeting should include the pupil's parents. A pupil should not be prevented from returning to school if parents are unable or unwilling to attend a reintegration meeting.

10.5 The reintegration meeting must include a strategy to offer the pupil a fresh start; helps them understand the effect of their behaviour on themselves and others; teaches them how to meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.

10.6 Records of reintegration meetings should be maintained using the Trust proforma (appendix 7).

## **11. Using off-site direction and managed moves to prevent permanent exclusion**

11.1 Schools are expected to work with high-quality alternative provision (AP) to effectively manage behaviour and prevent permanent exclusion.

11.2 Any move to AP, whether temporary or permanent, should be made with the child in mind, as the best place to support that child's behaviour as well as any SEN or health needs.

11.3 Before a pupil is moved to AP, the following should be defined and agreed:

- The nature of the intervention;
- The objective;
- The timeline for meeting these objectives.

11.4 The pupil must continue to receive a broad and balanced curriculum that supports reintegration into mainstream school.

11.5 Academies can arrange off-site provision for pupils to improve their behaviour. During the period of off-site direction:

- The pupil might be in AP on a part-time schedule with continued mainstream schooling, or full-time for a limited period;
- The pupil must be dual-registered;
- Review meetings should take place between the school, parents, the pupil and other agencies.
- The Local Governing Body must keep placement under regular review.

11.6 Alternative Provider places can be commissioned by the school as long as they have met the local authority quality assurance process and are listed on the suitable provider directory ([East Sussex](#); [Kent](#); [Bromley](#)).

11.7 When a pupil is transferred to another mainstream school permanently as part of a behaviour management process, ie. a managed move, this must be:

- Done strictly in the child's best interest;
- Voluntary and agreed by all parties;
- Offered as part of a planned intervention;
- Preceded by information-sharing between the current school, receiving school and supported by an effective integration strategy.

## **12. The Local Authority (LA)**

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

## **13. The Headteacher's right to cancel suspensions and permanent exclusions**

13.1 The Headteacher may cancel a suspension or permanent exclusion that has not been reviewed by governors. This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion. If this occurs, parents, the Local Governing Body and the local authority will be notified with the reason, and where relevant, the social worker and Virtual School Head.

13.2 The pupil will be allowed to return to school.

13.3 Parents will be offered the opportunity to meet with the Headteacher to discuss the circumstances that led to the suspension or permanent exclusion being cancelled.

13.4 Any days spent out of school as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

13.5 A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

13.6 The number of cancelled suspensions and permanent exclusions will be reported to the Local Governing Body every term.

## **14. School registers for permanently excluded pupils**

14.1 Whilst a permanently excluded pupil's name remains on a school's admission register, the pupil should be marked using the appropriate attendance code.

14.2 A permanently excluded pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the permanent exclusion panel's decision to not reinstate the pupil 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.

14.3 Where an application for an independent review has been made, the Local Governing Body will wait until that review has concluded before removing a pupil's name from the register.

14.4 Where alternative provision has been made for a permanently excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

14.5 Where a permanently excluded pupil is not attending alternative provision, code E (absent) will be used.

## **15. Off-rolling and unlawful exclusions**

15.1 Telling or forcing a pupil to leave, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave the school, or forbidden from attending school, on disciplinary grounds, this must be done in accordance with the Suspension and Exclusions Policy.

15.2 Suspending a pupil for a short period of time, such as half a day, is permissible but the formal suspension process must still be followed.

15.3 Any exclusion of a pupil, even for short periods, must be formally recorded. It would be unlawful to exclude a pupil simply because they have SEN or a disability that the school feels it is unable to meet, or for a reason such as, academic attainment / ability; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. If any of these unlawful exclusions are carried out and lead to the deletion of a pupil's name from the register, it is deemed to be 'off-rolling.'

15.4 An informal or unofficial exclusion, such as sending a pupil home 'to cool off' is unlawful when it does not follow the formal exclusion process and regardless of whether it occurs with the agreement of parents.

15.5 A further example of off-rolling would be exercising undue influence over a parent to remove their child from the school to choose Elective Home Education or to find another school place.

## **16. Links with other policies**

16.1 This Suspensions and Permanent Exclusions Policy is linked to schools' :

- Behaviour Policy.
- Child Protection and Safeguarding Policy.
- SEND Policy and Information Report.

## **APPENDIX 1: Independent Review Panel Training**

Swale Academies Trust has a Service Level Agreement with Clerks Associates for the management and administration of independent school exclusion reviews. Clerks Associates will take responsibility for all aspects of the independent review. This includes assembling an independent panel.

Clerks Associates provides relevant training for panel members in compliance with the following:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair and the clerk of a review panel.
- The duties of Headteachers, Local Governing Bodies and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.



## Appendix 2: Headteacher's checklist: decision to permanently exclude a pupil

The circumstances of the case	✓ or x
Has there been a serious breach or breaches of the school's behaviour policy?	
Does the pupil's presence seriously harm, or threaten to harm, the education or welfare of pupils or others?	
Is the permanent exclusion as a result of a serious 'one off' incident?	
Is the permanent exclusion a last resort, following a wide range of other strategies that have been unsuccessful?	
Is there evidence that assessments of whether appropriate provision is in place to support any SEND that a pupil may have, have been completed?	
Is there an Additional Needs Plan (ANP) in place where plans have been reviewed for impact?	
Is the pupil on the SEND Support Register? <i>For those with SEN but without an EHC plan, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required? The Headteacher and Local Governing Body must comply with their statutory duties in relation to SEN.</i>	
Has a thorough investigation of the incident been carried out?	
Has the pupil's version of events been sought and recorded, with an advocate if necessary?	
Has the evidence been considered in the light of school policies and possible discrimination?	
Are there any mitigating circumstances, or any provocation, which may be relevant? <i>For example, if the pupil has suffered bereavement, experienced abuse or neglect, has mental health needs, has been subject to bullying, has needs including SEND (including any not previously identified), has been subject to criminal exploitation, or is experiencing significant challenges at home.</i>	
For a pupil with a social worker or LAC, has the Virtual school Head or social worker been consulted? Were the pupil's welfare, safeguarding needs and risks considered in the lead up to the permanent exclusion and have they sought to understand how the pupil's needs could have contributed to the circumstances leading up to the permanent exclusion?	
Have alternatives to permanent exclusion been considered? <i>For example, restorative approach, mediation, internal suspension or suspension, school-to-school placement, Off-site Direction, application for Alternative Provision)?</i>	
"On the balance of probabilities", did the pupil do what they are alleged to have done?	

### Appendix 3: Headteacher Checklist: Decision to Permanently Exclude - Special Considerations

(SEND Code of Practice January 2015, Equalities Act 2010, Keeping Children Safe in Education 2022)

Special Considerations	✓ or x
Could there be underlying SEND and/or Social Emotional Mental Health (SEMH) needs that have contributed to the behaviours leading to permanent exclusion? Has this been fully considered/investigated?	
<b>If there are unmet additional needs, identified by the school or not, a permanent exclusion could be unlawful under the Equalities Act (2010)</b>	
<b>Identified SEND</b>	
Is the pupil identified on the school SEND register and/or provision map?	
If yes - have these identified needs been taken into account and reasonable adjustments been consistently put in place, which will include any support in relation to behaviour support that they need because of their SEN?	
Has a graduated approach been used to assess, plan, deliver and review the impact of the support?	
Has the pupil been disadvantaged by the school's policies and practices?	
Has the school engaged proactively with parents / carers?	
Has the school proactively engaged with support from external specialists?	
Has the school considered alternatives to permanent exclusion?	
Does the pupil have an EHC Plan?	
If yes - has the Local Authority Assessment and Planning team been contacted?	
If yes - has an interim review of the EHCP taken place prior to the decision to permanently exclude?	
<b>Pupils who have a social worker, including looked-after children, and previously looked after children</b>	
Has the school worked with the social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents / carers to involve them all as early as possible in relevant conversations?	
Has the school worked with the Virtual School, foster carers, or children's home workers?	
Is the pupil looked after?	
For previously looked-after children, the school may also seek the advice of the VSH on strategies to support the pupil.	
Has school had regard for Keeping Children Safe in Education?	

## Appendix 4: Headteacher/Clerk checklist: GDC Paperwork Pack

It is important that the GDC provides all parties with a fair hearing and that the rules of natural justice are adhered to. The case should be clearly presented, and evidence produced.

The GDC pack containing all written material from the school and parents **MUST** be distributed to the GDC Panel members (Governors, parents and LA Rep) at least **5 school days** before the GDC date to allow for preparation and the option to take legal advice if so desired. If the parents have been unable to meet this deadline and present evidence at the meeting, it is recommended that the information is admitted. The Panel could take a short recess to read the material before proceeding with the meeting.

### What evidence should be presented by the school?

The evidence that should be provided is different if the permanent exclusion is for a 'one-off' serious incident compared to cumulative reasons. The tables below show the evidence required for each.

#### Permanent Exclusions for a 'one-off' serious incident

Type of evidence	✓ or x	
Details of the incident in question		Must be provided
Witness statements, including the excluded pupil, signed and dated (These can be dictated and then signed by the young person and obtained through an advocate)		Must be provided. Where a pupil has refused the opportunity to provide a statement, evidence of doing so should be provided to confirm the opportunity was given
Behaviour log and details of previous incidents		Should <b>not</b> be provided, as this could influence the Panel. <b>Please check whether this is in fact a one off exclusion.</b>
Attendance record		Should <b>not</b> be included as it is not relevant
Reports of professionals involved with the pupil		Should <b>not</b> be included as it is not relevant for a one-off incident
Details of any SEN the pupil may have		Must be provided
Details of any disability the pupil may have		Must be provided
Academic reports		Should <b>not</b> be included as it is not relevant
Early Help Plan / Child protection plan		Must <b>not</b> be included
Views / written statements of any Social worker for Children looked after, those on CP or CIN plans		Should be included

### Permanent Exclusions for cumulative reasons

Type of evidence	✓ or x	
Details of the incidents in question		Must be provided
Statement from the permanently excluded pupil, signed and dated  (These can be dictated and then signed by the young person and obtained through an advocate)		Must be provided for the final incident, should be provided for previous incidents. Where a pupil has refused the opportunity to provide a statement, evidence of doing so should be provided to confirm the opportunity was given
Witness statements, signed and dated  These can be dictated and then signed by the young person)		Must be provided for the final incident, should be provided for previous incidents
Behaviour log and details of previous incidents		Must be provided
Attendance record		Should <b>not</b> be included as it is not relevant
Details of support provided to the pupil (e.g. Additional Needs Plan, Provision map etc.). The impact of the support should have been evaluated		Must be provided
Reports of professionals involved with the pupils		Must be provided
Details of any SEN the pupil may have		Must be provided
Details of any assessments to identify causal factors		Should be provided
Details of any disability the pupil may have		Must be provided
Details of alternatives to permanent exclusion and a graduated approach to behaviour support		Should be provided
Academic reports		Should <b>not</b> be included as it is not relevant
Early Help Plan / Child Protection Plan		Must <b>not</b> be included
Views / written statements of any Social worker for Children looked after, those on CP or CIN plans		Should be included

## Appendix 5: Governors' Checklist - Consideration for the Governors' Discipline Committee

Considerations	✓ or x	Comments
<b>The quality of the evidence</b>		
Have the facts been established? Was a full investigation, involving appropriate witnesses, carried out? Is the permanently excluded pupil's voice present?		
How did the incident relate to the school's behaviour policy? Was the policy followed?		
Was the pupil responsible for the behaviour that led to the permanent exclusion? (Governors should consider matters on the 'balance of probability' and if there is serious doubt, a reinstatement should be directed).		
<b>Was the permanent exclusion a proportionate response?</b>		
Was the permanent exclusion a reasonable and proportionate response to the behaviour?		
Was it fair in respect of sanctions imposed on any other pupils involved?		
<b>Were alternative strategies tried?</b>		
If the permanent exclusion was a response to an ongoing pattern of deteriorating behaviour, was it used as a last resort after other strategies, including the involvement of outside agencies and support services had failed? (An Additional Needs Plan should be in place, clearly identifying and evaluating school strategies, internal and external support).		
<b>Were there mitigating circumstances?</b>		
Are there any factors arising from parental representation or other factors? (e.g. special/medical needs, domestic circumstances, genuine remorse, loss of external exam opportunity)		
<b>Are there unmet Special Educational Needs or Mental Health needs that have contributed to the behaviour?</b> (If there is doubt this permanent exclusion could be unlawful under the Equalities Act 2010).		
Is there evidence that this has been considered by the Headteacher?		
Could there be other needs that have not been identified? Could any other strategies/investigations be tried (e.g. strategies in school, involving outside agencies)?		

**Appendix 6: Link to [Trust Guidance on Reintegration Meetings](#)**

**Appendix 7: Link to [Reintegration Meeting Records](#)**