PACE Academy Trust

Suspensions and Permanent Exclusions Policy

Article 3: The best interests of the child must be a top priority in all decisions and actions that affect them.

Article 12: Every child has the right to express their views and to have those views taken seriously.

Article 28: Every child has the right to an education.

Article 29: Education should develop each child's personality, talents, and abilities to the fullest.

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Introduction

At PACE Academy Trust, we believe every child is a valued, capable individual who thrives when surrounded by safety, respect and meaningful support. Our approach to behaviour, suspensions and exclusions is rooted in our commitment to understanding the needs behind actions and fostering an environment where positive relationships and restorative practice guide every decision. We recognise behaviour as a form of communication, and our responsibility is to listen, respond with compassion and ensure that every child can access an education that nurtures their wellbeing and potential.

This policy aligns closely with the UNICEF Convention on the Rights of the Child, particularly:

- Article 3: The best interests of the child must be a top priority in all decisions and actions that affect them.
- Article 12: Every child has the right to express their views and to have those views taken seriously.
- Article 28: Every child has the right to an education.
- Article 29: Education should develop each child's personality, talents, and abilities to the fullest.

By integrating these principles, we ensure that any suspension or exclusion is considered carefully, used only as a last resort, and accompanied by support strategies that safeguard the child's rights, dignity and ongoing educational journey. Our aim is not simply to manage behaviour, but to understand it, helping children feel heard, included, and supported to succeed within the school community.

Statement of principles

The schools within PACE take a proactive approach to encouraging positive behaviour, however we recognise that discipline in school is essential to ensure that all pupils can benefit from the educational opportunities provided to them.

Suspension and permanent exclusion are lawful behaviour management measures which may be used where warranted to maintain a calm, safe and supportive environment for pupils and staff. Suspension will be considered where a serious incident or persistent breaches of the school's Behaviour Policy mean that a significant sanction is required. Permanent exclusion will only be used as a last resort.

Schools will ordinarily seek to prevent the need for suspension or permanent exclusion through effective behaviour support, early intervention and reasonable adjustments. However, a headteacher is not required to exhaust every possible alternative before suspending a pupil where the seriousness or circumstances of an incident make suspension a reasonable and proportionate response.

We strive to reduce the number of incidents leading to suspensions and exclusions by promoting a positive atmosphere of mutual respect and positive behaviour within the school.

Legislation and statutory guidance

This policy has been prepared with regard to the Department for Education's statutory guidance, Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement

The Trust and its schools will refer directly to the current statutory guidance when managing any suspension or permanent exclusion.

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011

- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education Act 1996
- The Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out parental responsibility for excluded pupils
- 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
- The Equality Act 2010
- Children and Families Act 2014
- SEND code of practice: 0 to 25 years - GOV.UK
- School Attendance (Pupil Registration) (England) Regulations 2024 The School Attendance (Pupil Registration) (England) Regulations 2024
- Behaviour in Schools - Advice for headteachers and school staff Feb 2024

Links with other policies

This policy is linked to our:

- Attendance Policy
- Behaviour Policy
- Safeguarding and Child Protection Policy
- PACE Anti-Bullying and Anti- Discrimination Policy
- PACE Equality Policy
- Special Educational Needs and Disabilities Policy

Definitions

~ **Internal suspension –** when a pupil must work away from their class for a fixed amount of time in a space other than their classroom.

~ **Suspension** – when a pupil is removed from the school for a fixed period.

~ **Permanent exclusion** – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion.'

~ **Off-site direction** – when a governing board of a school requires a pupil to attend another education setting within PACE temporarily, to improve their behaviour.

~ **Managed move** – A voluntary and planned permanent transfer of a pupil from one mainstream school to another, agreed by the pupil's parents, the original school and the admission authority of the receiving school. A managed move is not a trial placement.

~ when a pupil is transferred to another school on either a dual-registration basis for a trial period or, permanently. All parties, including parents and the admission authority for the new school, must consent before a managed move occurs.

- **Off-rolling -** 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.

- **Suspension for part of the school day -** A suspension can be for parts of the school day, including lunchtimes. For example, pupils whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. In such cases the requirements in relation to suspension, such as the Head's duty to notify parents, the Governing Board and the Trust still apply. Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a Governing Board meeting is triggered.

Alternatives to suspensions or permanent exclusion

Internal suspension

Internal suspension is when a pupil must work away from their class for a fixed amount of time in a space other than their classroom. The purpose of an internal suspension is to ensure the child understands the seriousness of their behaviour and allow time for them to reflect. An internal suspension also allows time and space between the suspended child and those who may have been directly affected by the behaviour exhibited prior to providing the opportunity for repair work to be undertaken.

An internal suspension is a discretionary measure, where a pupil's behaviour is escalating, and more serious measures need to be taken but it is felt that an external suspension is not in the best interests of the child. Typically, a child receiving a consequence of this level should be receiving additional support for their behaviour, intended to help them to avoid their behaviour escalating to a point where a suspension is necessary. Internal suspensions can vary in length depending on the severity of the behaviour and can be for specific parts of the school day such as lunch or playtimes.

The school will communicate the details of any internal suspension to parents/carers on the day of the internal suspension.

Off-site direction

An off-site direction is a temporary arrangement requiring a pupil to attend another mainstream school or alternative provision in order to improve their future behaviour. It is not a disciplinary sanction and will not be used as a punishment for past behaviour.

The Local Governing Board, acting under the Trust's scheme of delegation, will ensure that any off-site direction complies with the statutory requirements and current guidance on alternative provision. The placement may only be used where it is suitable for the pupil's individual needs and where its objectives, expected duration, educational provision and reintegration arrangements have been clearly identified.

Before the placement begins, the school will ensure that relevant educational, safeguarding, SEND, health and risk-management information is shared securely with the receiving setting. The pupil must continue to receive a broad and balanced education.

Parents and, where the pupil has an EHC plan, the local authority will be notified in writing as soon as practicable and no later than two school days before the placement begins. The notice will contain all information prescribed by the relevant regulations, including the placement address, reporting arrangements, duration, reasons, objectives and session times.

The placement will be kept under regular review. Parents and the local authority where the pupil has an EHC plan, may request a review in accordance with the statutory guidance. Following each review, written

confirmation will be provided of whether the off-site direction will continue, its duration and the reasons for the decision.

Attendance will be recorded using the appropriate statutory attendance code.

Part-time timetables

In some cases, the school may consider it appropriate for the needs of a particular child, to offer a reduced timetable for a limited period. A part-time timetable must not be used to manage behaviour. It may be used only for the shortest time necessary (e.g., for medical/SEND reasons), must be time-limited, formally reviewed with parents, and compliant with the Attendance Regulations 2024.

In establishing a part-time timetable, paramount consideration is given to safeguarding the child and a thorough risk assessment carried out.

Managed moves

A managed move may be considered as part of a planned intervention where a permanent transfer to another mainstream school is in the pupil's best interests. It must be voluntary and agreed by all parties, including the parents and the admission authority of the receiving school. A managed move is permanent. Trial managed moves or trial admissions are not permitted. Where a temporary placement is appropriate to improve a pupil's behaviour, the school will use the statutory off-site direction process.

Managed moves are separate from the Fair Access Protocol and must comply with the School Admissions Code and the School Attendance (Pupil Registration) (England) Regulations 2024. A pupil will not be permanently excluded because a parent or pupil declines a proposed managed move.

Before a managed move, the schools will ensure that relevant educational, safeguarding, SEND, health and risk-management information is shared securely. Where the pupil has an EHC plan, the local authority must be contacted before any move is agreed. Where the pupil has a social worker or is looked after, the relevant social worker, Designated Safeguarding Lead, Designated Teacher and/or Virtual School Head will be involved as appropriate

Temporary separation for safeguarding purposes

In rare circumstances, it may be necessary temporarily to prevent a pupil from attending the school premises in order to separate pupils for safeguarding purposes. This may apply, for example, during an investigation into an allegation of harm by one pupil against another.

This is not a suspension or permanent exclusion on disciplinary grounds and must not be recorded as such. It will only be used where separation is essential and cannot practically be achieved while allowing the pupils concerned to remain on the school premises.

Any decision will:

- be made on a case-by-case basis, with the Designated Safeguarding Lead or a deputy taking a lead role;
- be informed by an immediate and ongoing assessment of safeguarding risks and needs;
- take account of the school's duties under safeguarding guidance, the Equality Act 2010 and the Human Rights Act 1998;
- be communicated to the pupil's parents, including the reason for the temporary arrangement;
- be notified to the Local Governing Board without delay;
- include arrangements for the pupil's continuing education; and

- be regularly reviewed and followed by an appropriate reintegration strategy.

The school will refer directly to the current statutory suspension and permanent exclusion guidance, Keeping Children Safe in Education and Working Together to Safeguard Children when making these arrangements.

Deciding whether to suspend or exclude

Only the head, or acting head, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The head will only use permanent exclusion as a last resort.

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

- 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 pupil or others, including pupils or staff.

Any decision to suspend or permanently exclude must be lawful, reasonable, fair and proportionate and must be based on the individual circumstances of the case.

A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. The school will maintain an accurate cumulative record, including any suspensions received at another school during the same academic year.

Pupils with SEND, disabilities or an EHC plan

Where there are concerns about the behaviour of a pupil with SEND, a disability or an EHC plan, the school will review whether the pupil's needs have been appropriately identified and whether current provision, support and reasonable adjustments remain suitable. Where the pupil has an EHC plan, the school will involve the local authority at an early stage and consider whether an early annual review is required. For pupils receiving SEN support, external specialist advice will be sought where appropriate

Pupils with a social worker and looked-after or previously looked-after children

Where a pupil with a social worker is at risk of suspension or permanent exclusion, the headteacher will involve the pupil's parents, social worker and the school's Designated Safeguarding Lead as early as possible.
Where a looked-after child is at risk of suspension or permanent exclusion, the Designated Teacher will seek advice from the Virtual School Head and review whether additional support, Pupil Premium Plus arrangements or an interim review of the Personal Education Plan is required.
For a previously looked-after child, the school will involve the pupil's parents and Designated Teacher and may seek advice from the Virtual School Head.

Before deciding whether to suspend or permanently exclude a pupil, the head will:

- Consult with the CEO or Strategic Lead for Behaviour and Attendance when considering suspension. Heads ***must*** consult with the CEO if they are considering a permanent exclusion.
- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the suspension or exclusion were provoked.
- Allow the pupil to give their version of events, where possible.
- Consider whether the pupil has a Special Educational Need or Disability (SEND).
- Consider whether the pupil is especially vulnerable (e.g., the pupil has a social worker, or is a looked-after child (LAC))

- Consider whether alternative solutions have been explored where appropriate, such as off-site direction or managed moves.
- Carefully consider the length of the suspension, taking all the facts into account.

The head will consider the views of the pupil, taking account of their age and understanding, before deciding whether to suspend or exclude, unless it is not appropriate to do so. The head will not reach their decision until they have heard from the pupil, (if appropriate) and will inform the pupil of how their views were considered when making the decision.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

Informing parents

If a pupil is at risk of suspension or exclusion the head will inform the parents as early as possible to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the head decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay. Initial notification should normally be made in person or by telephone, followed without delay by the required written notice. Written notification must not delay the formal notification.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or exclusion
- The length of the 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 governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend
- Parents' right to request that any governing board meeting is held using remote access, and how and to whom the request should be made.
- Details of current sources of free and impartial advice, including the Department for Education's guidance for parents and carers and the relevant local SEND Information, Advice and Support Service.
- Information in an accessible form, including reasonable adjustments or language support where required.

The head will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first five school days of exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- 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, if possible:

- ~ 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 the pupil needs to identify the person they should report to on the first day

If the head does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, 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 a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

Informing the Local Governing Board

The head will, without delay, notify the Local Governing Board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil.
- Any suspension which would result in the pupil being suspended for a total of more than five school days (or more than ten lunchtimes) in a term.
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam. This is because the LGB must, if possible, decide before the date of the exam whether the pupil should be allowed back to school.

The head will also notify the governing board at least once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

Informing the Local Authority (LA)

The head will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension. For PACE schools, the local authority will be either Merton or Croydon. If a child lives in a different borough to the one they go to school in, both the home LA and the school LA must be informed.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the head will inform **the social worker** as early as possible.
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the head will inform **the VSH** as early as possible.

This is to work together to consider what factors may be affecting the pupil's behaviour and what further support can be put in place to improve the behaviour.

If the head decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the head will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways may be used for this. If the pupil has a special educational need or disability, the head will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this is not possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

Consecutive suspensions will be treated cumulatively when determining the duty to provide suitable full-time education from the sixth school day. The Local Governing Board will assure itself that the provision is suitable, full-time, appropriately supports any SEND, uses the correct attendance code and includes the secure transfer of relevant safeguarding and welfare information.

Considering suspensions and permanent exclusions (Exclusions Committee)

Responsibilities regarding suspensions and permanent exclusions are delegated to an Exclusions Committee consisting of **three** members from the school's Local Governing Board. In line with our commitment to equity and inclusive practice, the Local Governing Board will endeavor to establish an Exclusions Committee that represents diversity in its membership.

The Exclusions Committee has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil in certain circumstances.

The Exclusions Committee must use the Department for Education's statutory guidance, Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement

Where possible, relevant papers and details of attendees will be circulated to all parties at least five school days before the meeting. Reasonable adjustments will be made to support effective participation. A clerk will be appointed and clear minutes will be retained and made available to the parties on request.

For any suspension of more than five school days, the local governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

For pupils who are LAC or have social workers, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

Within 14 days of receiving a request, the governing board will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion only before the Local Governing Board has met to consider reinstatement. The headteacher must, without delay:

- notify the parents, Local Governing Board and local authority and, where relevant, the pupil's social worker and Virtual School Head;
- provide the reason for the cancellation;
- offer the parents an opportunity to meet the headteacher;
- allow the pupil to return to school without delay; and
- put appropriate reintegration arrangements in place.

Any days already spent out of school will count towards the maximum of 45 school days in the academic year. A permanent exclusion cannot be cancelled if the pupil has already exceeded, or would exceed, this limit.

Returning from a suspension

Reintegration strategy

Following suspension, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education. Where necessary, the school will work with external agencies to identify whether the pupil has any unmet special educational and/or health needs. The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Contact in school with a designated pastoral professional
- Mentoring by a trusted adult
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents and staff of potential external support
- Implementing a temporary reduced timetable.

Reintegration meetings

The school will explain the reintegration strategy to the pupil in **a reintegration meeting before or on the pupil's return to school**. During the meeting, the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents if they cannot or do not attend.

The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

Considering the reinstatement of a pupil

The Exclusions Committee of the Local Governing Board will consider and decide on the reinstatement of a suspended or permanently excluded pupil within fifteen school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of days out of school to more than fifteen in a term; or
- It would result in a pupil missing a public exam or National Curriculum test

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than five in a term, the Exclusions Committee must consider any representations made by parents. However, it is not required to arrange a meeting with parents, and it cannot direct the head to reinstate the pupil.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, the Exclusions Committee will consider and decide on the reinstatement of a suspended pupil within fifty school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the Exclusions Committee will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the Exclusions Committee may consider the suspension or permanent exclusion and decide whether to reinstate the pupil.

The following parties will be invited to a meeting of the Exclusions Committee and allowed to make representations or share information:

- Parents (and, where requested, a representative or friend)
- The head
- The pupil's social worker if they have one
- The VSH, if the pupil is looked after

The pupil will be supported and encouraged to participate, taking account of their age and understanding, either by attending, making representations directly, submitting written views or using an appropriate advocate

The Exclusions Committee will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The Exclusions Committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, the Exclusions Committee will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair

- Whether the head followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the governing board

They will decide whether a fact is true 'on the balance of probabilities.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

The Exclusions Committee will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents
- The head
- The pupil's social worker if they have one
- The Virtual Head of School if the pupil is looked after
- The local authority
- The pupil's home authority if it differs from the school's

Where an exclusion is permanent and the Exclusions Committee decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- The name and address to which 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 and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Academy Trust to appoint an SEN expert to advise the review panel. Details of the role of the SEN expert and that there would be no cost to parents for this appointment. That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That, if parents believe that permanent exclusion has occurred as a result of unlawful 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. Also, any 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

Conversion of a Suspension into a Permanent Exclusion

Where further evidence justifies a further suspension or permanent exclusion beginning after an existing suspension, this will be treated as a new decision. A new written notice will be issued without delay, and all relevant parties will be notified in accordance with the statutory guidance.

Police involvement and parallel criminal proceedings

A suspension or permanent exclusion decision will not automatically be postponed because a police investigation or criminal proceedings are under way. The headteacher will make a decision on the evidence available at the time and will consider any additional steps needed to ensure that the process remains lawful, reasonable, fair and proportionate.

The governing board must meet within the statutory timescale and reach its decision on the evidence available. An Independent Review Panel will determine whether an adjournment is appropriate in accordance with the statutory guidance, taking account of fairness, the likely delay and the effect on the pupil, parents, any victim and the school.

Independent Review Panel (IRP)

Constitution of the IRP

If parents apply for an independent review within the legal timeframe, PACE Academy Trust will arrange for an Independent Review Panel (IRP) to review the decision of the governing board not to reinstate a permanently excluded pupil. This must begin within 15 school days of the parents' application.

Applications for an IRP must be made within 15 school days of notice being given to the parents by local governing board's Exclusions Committee of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

The IRP will be private and the venue reasonably accessible, unless held remotely in accordance with the statutory requirements.

A panel of 3 members will be constituted with representatives from each of the categories below:

- One 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
- One* current or former school governor who has served as a governor for at least twelve consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- One* headteacher or individual who has been a headteacher within the last 5 years

A person may not serve as a member of an IRP if they:

- Are a member/trustee of the academy trust of the excluding school
- Are the head of the excluding school, or have held this position in the last 5 years
- Are an employee of the Academy Trust, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the Academy Trust, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see section 10)

Considering the circumstances

The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard for the interests of other pupils and people working at the school.

The IRP must use the Department for Education's statutory guidance, Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement

Considering the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting, and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

Where a Virtual School Head is present, the panel must have regard to any representations made by the Virtual School Head about how the child's background, education and safeguarding needs were considered by the headteacher in the period leading to the permanent exclusion and how they may be relevant to the exclusion.

Following its review, the IRP will decide to do one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

New evidence may be presented to the IRP; however, the school may not introduce new reasons for the exclusion or the non-reinstatement decision, and any such new reasons must be disregarded by the panel. The IRP may uphold, recommend reconsideration, or quash and direct reconsideration, with a possible £4,000 adjustment payable to the Local Authority if the local governing board does not reinstate the pupil within ten school days of notice.

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

Reconsideration following an Independent Review Pane

Where an Independent Review Panel recommends or directs the governing board to reconsider reinstatement, the appropriate governing board committee will reconvene within ten school days of receiving notice of the panel's decision.

The committee will reconsider reinstatement conscientiously and afresh, taking full account of the IRP's findings. It may reach the same decision, but any decision not to reinstate must be supported by clear and robust reasons.

The decision and reasons will be recorded in the minutes and on the pupil's educational record. Parents, the headteacher, the local authority and, where relevant, the pupil's home authority will be notified in writing without delay.

Where the IRP has quashed the original decision and ordered a financial adjustment, the statutory financial consequences will apply unless the pupil is reinstated within the required timescale.

Notification of the outcome

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it
- Where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the pupil within ten school days
- Any information that the panel has directed the governing board to place on the pupil's educational record

Independent Review Panel (IRP) Training

The Academy Trust must make sure that all members of an IRP and clerks have received training within the two years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions on disciplinary grounds, 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 an IRP
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (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

School registers

A pupil's name will be removed from the school admission register if:

- Fifteen school days have passed since the parents were notified of the Exclusions Committee 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 IRP

Where an application for an independent review has been made within fifteen school days, the governing board will wait until that review has concluded before removing a pupil's name from the register.

While a permanently excluded pupil remains on roll, attendance should be marked using Codes D or B for AP attendance, or E if absent. Deletion from the admission register occurs only after:

(i) Fifteen school days since parents were notified of the GB decision not to reinstate and no IRP application was made, or

(ii) the IRP has been determined/abandoned and any reconsideration completed.

Making a return to the LA

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- The pupil's full name
- The full name and address of any parent with whom the pupil normally resides
- At least one telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion)
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school
- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house

Deletion from the admission register must not be backdated. Where the pupil is registered at a new school, the Common Transfer File and other educational records will be transferred within the applicable statutory timescale.

The Designated Safeguarding Lead will ensure that the child protection file is transferred separately and securely to the new setting as soon as possible and within the timescale specified in Keeping Children Safe in Education. Confirmation of receipt will be obtained.

Records retention

Records and evidence relating to a suspension or permanent exclusion will be retained for at least six months and for longer where required by the Trust's retention schedule or because proceedings remain possible or ongoing. Minutes of an Independent Review Panel will be retained for at least five years.

Remote access for meetings

Parents may request that a governing board meeting or Independent Review Panel is held using remote access. Where the request has been made correctly, the meeting will be held remotely provided that the chair of the exclusions committee or IRP is satisfied that all participants can participate effectively and that the meeting can be held fairly and transparently.

Where no remote request has been made, the meeting will be held in person unless extraordinary events or unforeseen circumstances make this not reasonably practicable.

If technological difficulties prevent effective participation, or if a risk assessment identifies safeguarding concerns that mean a remote meeting cannot be conducted fairly, the meeting will be rearranged face to face without delay.

Social workers and Virtual School Heads will be permitted to join remotely where they can participate effectively and their remote attendance does not prevent the meeting from being fair and transparent.

Monitoring arrangements

As a Trust, alongside Local Governing Boards. we will routinely review suspensions, permanent exclusions and wider pupil movement. This will include:

- repeat suspensions and cumulative days lost;

- pupils removed from roll;
- off-site directions and pupils educated away from the school site;
- temporary separation for safeguarding purposes;
- the suitability, impact and regular review of alternative provision;
- attendance and registration codes;
- the timing and reasons for pupil moves;
- the effectiveness of preventative interventions and reintegration support; and
- patterns relating to SEND, disadvantage, vulnerability and protected characteristics.

The purpose of this monitoring is to ensure that decisions are lawful, necessary and proportionate, that no pupil group is unfairly disadvantaged and that emerging patterns result in appropriate challenge and action.

Appendix 1 – Headteacher checklist for considering Suspension and Permanent Exclusion

Name of Headteacher:
Name of pupil:
Date:

Have you:	Tick	Notes
1. Consulted either the CEO or Strategic Lead for Behaviour and Attendance?		
2. Followed the stages and strategies set out within the school's behaviour policy, where appropriate?		
3. Considered all the relevant facts and evidence on the balance of probability, including whether the incident(s) leading to the exclusion were provoked?		
4. Allowed the pupil to give their version of events?		
5. Considered whether the pupil has a Special Educational Need or Disability (SEND) and where there is an EHC plan, contacted the local authority and considered an early annual review?		
6. Considered any other protective characteristics?		
7. Where relevant, have the DSL, Designated Teacher, social worker and/or VSH been involved?		
8. Considered whether all alternative solutions have been explored, such as internal suspension, off-site direction or a managed move?		
9. Carefully considered the length of the suspension, taking all the facts into account?		
10. Considered whether the proposed decision is lawful, reasonable, fair and proportionate?		
11. Checked the pupil's cumulative suspension total for the academic year,		

including suspensions at another school?		
12. Have reasonable adjustments and the school's best endeavours duty been evidenced?		
13. Distinguished exclusion from any safeguarding separation arrangement?		
14. Considered the arrangements for accessible and achievable work during the first five days?		
15. If the suspension exceeds five consecutive days, arranged suitable full-time education from day six?		
16. Has a reintegration strategy been planned?		
Signed (Headteacher):		