

SUSPENSION AND EXCLUSION POLICY



Date of revised policy approval	September 2026
Next review date	September 2027
Distribution to	All Staff
Owner of policy	Headteacher
Approved by	Governing Body
Reviewed and prepared by	Ms Greene – Assistant Headteacher
Location of policy	HR Toolkit and School website

OUR VISION





OUR MISSION STATEMENT

**I am the Way
The Truth
And
The Life**

(John 14:6)

At Loreto Grammar School Altrincham, students, staff, parents and Governors form a Catholic community. We aspire to create a caring, structured environment in which teaching and learning and the experience of school

- are characterised by joyful and loving service to others
- challenge each of us to realise our full potential in a spirit of joy and creativity
- encourage the pursuit of excellence
- uphold honesty, justice and mutual respect
- enable us to be questioning, independent learners and "seekers of truth"
- prepare each of us to meet with confidence the challenges of a changing world
- improve and enrich the life of the wider community and enable us to be an example of Christian values in the world as witnesses to God's Living Kingdom

Our values are centred in God, rooted in gospel values and derive from the vision of Mary Ward.

Love and speak the truth – at all times

(Mary Ward)



STATEMENT OF INTENT

Loreto Grammar School Altrincham understands that promoting good behaviour, in line with our Catholic values and our Vision and Mission Statement, is essential to a high-quality education.

Amongst other disciplinary sanctions set out in our Behaviour Policy, the school recognises that suspension and exclusion of students may be necessary where there has been a serious breach, or persistent breaches, of the school's Behaviour Policy. Suspending or excluding a student may also be required where allowing the student to remain in school would be damaging to the education and welfare of the student or others. In all cases, suspension or exclusion will only be used as a last resort.

This policy sets out the legal responsibilities of the Headteacher, Governing Body and Local Authority (LA) when responding to student suspensions and exclusions, to ensure that they are dealt with fairly, consistently and lawfully, in line with DfE statutory guidance. This policy also aims to secure a student's right to an education while suspended or excluded, by ensuring appropriate arrangements are in place.

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

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

1 LEGAL FRAMEWORK

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

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Student Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023
- The Education (Educational Provision for Improving Behaviour) (Application to Academies and Student Referral Units and Minor Amendments) Regulations 2026
- The European Convention on Human Rights (ECHR)
- Children's Wellbeing and Schools Act 2026

This policy also has due regard to statutory and non-statutory guidance, including:

- DfE 'Suspension and Permanent Exclusion from maintained schools, academies and student referral units in England, including student movement'
- DfE 'Behaviour in Schools'



- DfE 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE 'Mental health and behaviour in schools'
- Keeping Children Safe in Education (2026)

This policy operates in conjunction with the following school policies:

- Behaviour Policy
- Child-on-Child Abuse Policy
- Child Protection and Safeguarding Policy

2 ROLES AND RESPONSIBILITIES

The Local Authority (LA) is responsible for:

- Having due regard to relevant statutory guidance when carrying out its duties relating to the education of looked-after children (LAC).
- Arranging suitable full-time education for any student of compulsory school age who is permanently excluded, in coordination with the school.
- Reviewing and reassessing the needs of students with an EHC plan who are permanently excluded, in consultation with parents, to identify a new placement.

The Academy Trust is responsible for:

- Arranging an independent review panel hearing where required, at its own expense, and holding it via remote access where requested by parents or excluded students aged 18 and over.
- Arranging the hearing without delay, at a time, date and venue convenient for all parties.
- Ensuring the independent review panel consists of three or five members representing the required categories, all trained within the two years prior to the review.
- Deciding whether to appoint a clerk to the independent review panel, and undertaking the clerk's functions itself where none is appointed.
- If requested by parents, appointing a SEND expert to attend the panel, covering the associated costs and indemnifying the expert against reasonable legal costs incurred in good faith.
- Where an independent review panel quashes a decision not to reinstate and the Governing Body does not offer reinstatement within 10 school days, making a payment of £4,000 directly to the local authority in which the school is located.

The Governing Body is responsible for:

- Providing information to the Secretary of State and the LA about suspensions and exclusions within the last 12 months.
- Arranging suitable full-time education for any suspended student of compulsory school age, where required.
- Considering parents' representations about suspensions and exclusions within the statutory timescales set out in this policy.
- Considering a suspension or exclusion before a public examination or test the student is due to sit, and whether the student should be permitted onto the premises to take it.
- Arranging any representation meeting at a time and date convenient to all parties, in compliance with statutory time limits, and via remote access where requested.
- Considering the interests and circumstances of the suspended or excluded student, and having due regard to the interests of others at the school.
- Applying the civil standard of proof (the 'balance of probabilities') when establishing the facts relating to a suspension or exclusion.
- Ensuring clear minutes are taken of any representation meeting and the outcome recorded on the student's



education record.

- Notifying the student's parents, the Headteacher and the LA of its decision and the reasons for it, without delay.
- Appointing a clerk to provide advice to the review panel and parties on procedure, law and statutory guidance (where not appointed, this is assumed by the LA).
- Ensuring a student's name is removed from the admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement where directed to do so by an independent review panel.
- Using data on suspensions and exclusions to evaluate the school's practice.

The Clerk to the exclusions review panel is responsible for:

(Where a clerk is not separately appointed, these responsibilities are assumed by the LA.)

- Informing parties of their right to make written and oral representations to the panel and to be represented.
- Circulating copies of relevant papers at least five school days before the review.
- Giving all parties details of who is attending and their role.
- Attending the review and ensuring minutes are produced within the policy timeframe.

The Headteacher is responsible for:

- Implementing good levels of discipline to minimise the need for suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts of a suspension or exclusion.
- Complying with statutory duties towards students with SEND when administering the suspension or exclusion process.
- Considering any contributing factors identified after an incident of poor behaviour, e.g. bereavement, bullying or a mental health need.
- Considering a multi-agency assessment for a student demonstrating persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions as sanctions, particularly where a student is approaching the 45-day legal limit.
- Considering what extra support may be needed for vulnerable student groups, including those with SEND, those eligible for free school meals, looked-after children and students from certain ethnic groups.
- Determining whether a student will be suspended or excluded on disciplinary grounds.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate, and compliant with the Equality Act 2010.
- Where practicable, giving the student the opportunity to present their case before a decision is reached.
- Notifying a student's parents without delay of a decision to suspend or exclude, including the statutory requirement for parents to ensure the student is not present in a public place during school hours for the first five days.
- Notifying the Governing Body and LA of a decision to exclude, and the student's home authority where relevant.
- Notifying the Governing Body once per term of any suspensions and exclusions in the Headteacher's report to governors.
- Organising suitable work for suspended or excluded students where alternative provision cannot be arranged.



3 GROUNDS FOR SUSPENSION OR EXCLUSION

The school will only suspend or exclude a student where absolutely necessary and where other disciplinary sanctions, as set out in the Behaviour Policy, have failed or are not sufficient. The following examples of behaviour may warrant suspension or exclusion (this list is not exhaustive and reflects the definitions of misbehaviour and serious misbehaviour set out in the Behaviour Policy):

- Physical assault against a student or an adult
- Verbal abuse or threatening behaviour against a student or an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Bullying
- Discriminatory abuse, e.g. racist, sexist, homophobic, biphobic, transphobic, or ableist abuse
- Sexual harassment or sexual misconduct
- Persistent or serious disruption to learning, or persistent breaches of the Behaviour Policy despite intervention

The behaviour of a student outside school, including online, can also be grounds for suspension or exclusion where it poses a threat to another student, staff member or the wider school community, or could seriously harm the reputation of the school.

Students can be suspended for one or more fixed periods, up to 45 school days in a year, or permanently excluded. A student can be permanently excluded following a suspension, where further evidence comes to light. In all cases, the Headteacher decides whether a suspension or exclusion is warranted.

A suspension or exclusion will not be used:

- Because a student has SEND that the school feels unable to support.
- Due to a student's poor academic performance.
- Because the student has not attended a reintegration meeting.
- On non-disciplinary grounds, such as the actions of a student's parents.

Permanent exclusion is a last resort and will only be used:

- In response to a serious breach, or persistent breaches, of the Behaviour Policy; and
- Where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

4 THE HEADTEACHER'S POWER TO SUSPEND AND EXCLUDE

Only the Headteacher has the power to suspend or exclude a student. In the Headteacher's absence, the properly appointed Acting Headteacher may exercise this power and will make clear they are acting in the Headteacher's absence. This will not necessarily be the Deputy Headteacher; it depends on who has been appointed to act in the Headteacher's absence. All suspensions and exclusions will be issued on disciplinary grounds only.

The Headteacher may suspend a student for disruptive behaviour at lunchtime; lunchtime suspensions count as half a school day. The Headteacher may also consider a student's disruptive behaviour outside school premises as grounds for suspension or exclusion, in line with the Behaviour Policy.

When sending a student home following a suspension or exclusion, the Headteacher will exercise their duty of care at all



times and will always inform parents.

Any decision to suspend or exclude will be lawful, proportionate and fair, with regard to the school's wider legal duties including the ECHR and the Equality Act 2010. The Headteacher will apply the civil standard of proof, that, on the balance of probabilities, it is more likely than not that the facts are true.

The Headteacher may cancel a suspension or exclusion that has begun, or one that has not yet begun, provided it has not already been reviewed by the Governing Body. Where a suspension or exclusion is cancelled, the Headteacher will notify the student's parents, the Governing Body, the LA, and, where relevant, the virtual school head (VSH) and the student's social worker, giving the reason for the cancellation, and will allow the student back into school without delay.

Any days already spent out of school before a cancellation count towards the maximum 45 school days a student may be suspended or excluded in an academic year. The Headteacher will report the number of cancellations, and the reasons for them, to the Governing Body once per term.

The Headteacher will not issue any informal or unofficial suspensions or exclusions, such as sending a student home to 'cool off', regardless of parental agreement, and will not use the threat of suspension or exclusion to instruct parents to remove their child from the premises.

All suspensions and exclusions will be formally recorded on SIMS.

5 FACTORS TO CONSIDER WHEN SUSPENDING OR EXCLUDING A STUDENT

When considering a suspension or exclusion, the Headteacher will:

- Allow the student the opportunity to present their case once evidence has been collected.
- Take into account contributing factors identified after an incident of poor behaviour, e.g. compromised wellbeing or exposure to bullying.
- Consider whether the student has received multiple suspensions or is approaching the 45-day legal limit, and whether suspension remains an effective sanction.
- Consider whether all alternatives set out in the Behaviour Policy have been explored.
- Consider early intervention to address the underlying causes of disruptive behaviour, including liaison with external agencies.

The Headteacher will consider what extra support may be available for vulnerable student groups whose suspension and exclusion rates are higher, including looked-after children, students eligible for free school meals, students with SEND, and students from certain ethnic groups, and will seek to avoid excluding looked-after children, students with SEMH needs, or students with an EHC plan wherever possible.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response set out in the Behaviour Policy. Suspension or exclusion will only be considered if a student continues to endanger the physical or emotional wellbeing of students or staff despite this process, and no student with identified SEND or SEMH needs will be suspended or excluded before the graduated response has been completed, in line with the Equality Act 2010.

Where a student with SEND or SEMH needs is excluded because those needs could not be met at the school, detailed records will be kept to evidence close tracking of the student and a close relationship with their next destination.

Off-rolling and unlawful exclusions

The school will not use informal or unofficial exclusions of any kind, including part-day suspensions carried out without formal process.



The school will not suspend or permanently exclude a student for unlawful reasons, including because:

- The student has SEND that the school considers difficult to support.
- Of the student's academic attainment or ability.
- A parent or student has not complied with a condition that is not lawfully required for reinstatement.
- A parent or student refuses to agree to a managed move.

The school will not engage in off-rolling, removing a student from roll, or encouraging their removal, without following the appropriate legal process, where this is primarily in the school's interest rather than the student's. Further examples of off-rolling, consistent with DfE statutory guidance, include: exercising undue influence over a student to remove their child from the school under the threat of a permanent exclusion, and encouraging them to choose elective home education or another school place; moving a student to off-site alternative provision where that is not in the student's best interests; and placing a student on a part-time timetable for behavioural reasons.

Parents who believe suspension or exclusion procedures have not been followed correctly, or who feel pressured to remove their child from the school, may raise concerns through the school's Complaints Policy.

6 SEPERATION OF STUDENTS FOR SAFEGUARDING PURPOSES

In exceptional circumstances, the school may temporarily prevent a student from attending the school site for safeguarding reasons, for example where allegations or concerns require students to be separated while risks are assessed. Such a decision is not a suspension or exclusion and will not be recorded as such.

Decisions will be made on a case-by-case basis, led by the Designated Safeguarding Lead (DSL) or a deputy, informed by professional judgement, relevant safeguarding guidance and, where appropriate, advice from children's social care or the police. Parents will be informed of the reasons as soon as reasonably practicable, and the Governing Body notified without delay. This measure will only be used where separation cannot reasonably be achieved while allowing all students to remain on site, and always with regard to Keeping Children Safe in Education, the Human Rights Act 1998 and the Equality Act 2010.

Where a student is temporarily prevented from attending the school site under this section, the local authority has a duty under section 19 of the Education Act 1996 to arrange suitable education for the student if neither the school nor the student's parent(s) does so. The school will work with the local authority to ensure the student's continuing education is not disrupted for any longer than is necessary.

7 ALTERNATIVE MEASURES

Before reaching a final decision, the Headteacher will consider whether off-site direction or a managed move would better serve the interests of all parties than suspension or exclusion.

Off-site direction

The school will consider off-site direction where in-school interventions and targeted support have not been successful in improving a student's behaviour. This arranges a time-limited placement at alternative provision or another mainstream school to support behavioural improvement and reintegration and may be full-time or blended with continued attendance at Loreto Grammar School. Off-site direction will only be used to improve a student's future behaviour, never as a sanction or punishment for past misconduct.

The Governing Body is responsible for arranging off-site direction under section 29A of the Education Act 2002.

Before a placement begins, the Governing Body will agree a proposed maximum duration and notify parents in writing, as soon as practicable and no later than two school days beforehand (and the LA, where the student has an EHC plan),



setting out: the placement address; the person the student should report to on first attending; the number of days for which the direction is imposed; the reasons for and objectives of the placement; and the relevant session times (morning and afternoon session and break times, or the start and end time of a single session).

The Governing Body will keep the placement, and the student's reintegration plan, under review at intervals it considers appropriate having regard to the student's needs, involving the student, parents, school staff and relevant agencies as needed. Parents (and the LA, where the student has an EHC plan) may request a review meeting in writing; the Governing Body will comply with this as soon as reasonably practicable, unless a review has already taken place in the previous 10 weeks. Where a review meeting is held, parents will be given written notice at least six school days beforehand and may attend or submit their views in writing before the meeting, and the Governing Body will notify parents in writing of the outcome, including whether the placement continues and for how long, no later than six school days after the meeting.

Alternative provision

A student who continues to fail to meet the school's expectations may be directed off-site for time-limited Alternative Provision (AP), with agreed objectives and outcomes and regular updates to parents. On conclusion of a placement, a reintegration meeting will evaluate progress and agree future objectives.

Managed moves

Where it is judged to be in a student's best interests to transfer permanently to another mainstream school as a planned intervention, the Headteacher and Governing Body will discuss this with parents (and the LA, where the student has an EHC plan). A managed move will only proceed with the voluntary agreement of all parties, including the receiving school's admission authority, and only where the school can evidence that appropriate internal intervention has already been carried out. The school will not use trial managed moves, and will not permanently exclude a student because a parent or student has refused to agree to one. Parents with concerns about a managed move may raise these through the Complaints Policy.

8 DUTY TO INFORM PARENTS

Following a decision to suspend or exclude a student, the Headteacher will inform parents (or the student, if 18 or over) immediately, in person or by telephone, supported by email, of the length of the suspension or the permanency of the exclusion and the reasons for it.

The Headteacher will confirm this in writing, setting out: the reasons for the suspension or exclusion; its length or permanency; parents' right to make representations to the Governing Body and how the student will be involved; the right to request a remote meeting; the right to attend and be accompanied where there is a legal requirement for the Governing Body to consider the matter; arrangements for the student's continuing education; and relevant sources of free, impartial information.

For students of compulsory school age, the Headteacher will confirm by the end of the school day that, for the first five days of a suspension or exclusion, parents are legally required to ensure their child is not present in a public place during school hours without justification, and that a penalty fine may apply if they fail to do so.

Where alternative provision is arranged, parents will also be told the start and end dates, the address, and who the student should report to. If this information cannot be given by the end of the school day, it will follow in writing within 48 hours (or with parental consent, less than 48 hours where provision begins within the first five days).



9 DUTY TO INFORM THE GOVERNING BODY AND LA

The Headteacher will inform the Governing Body, without delay, of: any permanent exclusion; any suspension that would take a student's total for the term above 5 school days (or above 10 lunchtimes); and any suspension or exclusion that would result in a student missing an examination or national curriculum test. All other suspensions and exclusions will be reported to the Governing Body once per term.

The Headteacher will inform the LA of all suspensions and exclusions, regardless of length, without delay, including the reasons and duration. Where a student lives outside the school's LA, the Headteacher will also notify the student's home authority.

10 DUTY TO INFORM SOCIAL WORKERS AND THE VIRTUAL SCHOOL HEAD (VSH)

Where a student has a social worker, or is a looked-after child, the Headteacher will notify the social worker and/or the VSH without delay of any suspension or exclusion, including its length and the reasons for it, and will invite them to any Governing Body meeting considering the matter. They may attend such meetings via remote access, provided this allows fair and effective participation.

Where a looked-after child is at risk of suspension or exclusion, the Designated Teacher will contact the local authority's VSH as soon as possible to consider what additional assessment and support may help address the factors affecting the pupil's behaviour, including how the Pupil Premium Plus is being used and whether an interim review of the pupil's Personal Education Plan (PEP) should be called.

11 ARRANGING EDUCATION FOR SUSPENDED AND EXCLUDED STUDENTS

For suspensions of more than five school days, the Governing Body will arrange suitable full-time education beginning no later than the sixth day; consecutive suspensions are treated cumulatively. For exclusions, full-time education will be arranged from the sixth day. This duty does not apply to a student in their final year of compulsory education with no further examinations to sit.

The Governing Body will always seek to arrange alternative provision before the sixth day where possible; where this is not possible in the first five days, the school will take reasonable steps to set and mark work for the student.

For a student with SEND, alternative provision will be arranged in consultation with parents, and any EHC plan reviewed, or the student's needs reassessed, as part of that process.

A reintegration meeting will be held with the student, parents and a member of senior staff following a period of suspension. If parents are unable or unwilling to attend, the student will still be permitted to return to lessons.

A part-time timetable will not be used to manage a pupil's behaviour, and will only ever be used, where genuinely necessary for a pupil's SEND or health needs, for the shortest time possible. Any part-time timetable will have a clear time limit by which point the pupil is expected to return to full-time education, either at Loreto or through alternative provision, and will be reviewed regularly with the pupil and their parents.

12 CONSIDERING SUSPENSIONS AND EXCLUSIONS

The Governing Body will consider any representations made by parents about a suspension or exclusion. Parents (and, if requested, a friend or representative), the Headteacher, and a member of the LA will be invited to attend and make representations. Meetings will be arranged at a time and date convenient to all parties, within statutory time limits, and via remote access where requested. Where appropriate to their age and understanding, the student will also be invited to attend and make their own representations.



Within 15 school days of receiving notice, the Governing Body will consider reinstatement where: the exclusion is permanent; the suspension would bring the student's total suspended days to more than 15 in the term; or the suspension or exclusion would cause the student to miss a public examination.

Where the student's total suspended days for the term is more than 5 but 15 or fewer, and parents have made representations, the Governing Body will consider the matter within 50 school days of receiving notice. Where the total is more than 5 but 15 or fewer days and parents have not made representations, the Governing Body is not required to meet and does not have the power to direct the student's reinstatement. Where the total is 5 days or fewer, the Governing Body will consider any parental representations but has no power to direct reinstatement, and no meeting is required.

Where a suspension or exclusion would cause a student to miss a public examination, the Governing Body will consider the matter before the examination date, including whether the student should be permitted onto the premises to sit it. If it is not practicable for a sufficient number of governors to meet before the examination, a smaller sub-committee of governors will consider the matter and decide whether to reinstate the student.

When considering reinstatement, the Governing Body will: discuss the matter only with the parties present; request written evidence in advance and circulate it at least five school days before the meeting; allow students and parents to be accompanied; consider reasonable adjustments to support attendance; take steps to enable the student to attend and speak, or contribute views by other means; and consider the student's interests and circumstances, including the grounds for the suspension or exclusion.

13 REACHING A DECISION

Following consideration, the Governing Body will either decline to reinstate the student, or direct reinstatement immediately or on a specified date. Even where reinstatement would make no practical difference, the Governing Body will still consider whether the student should be officially reinstated, and whether the Headteacher's original decision was fair, lawful and proportionate, applying the civil standard of proof.

To reach a decision, the Governing Body will: agree how all parties will be able to participate and present their views; ensure minutes are taken; ask all parties to withdraw before concluding; consider whether the decision was lawful, proportionate and fair; record the outcome on the student's education record for at least six months; inform the LA of the outcome; and record its findings where reinstatement is not directed.

14 NOTIFICATION OF CONSIDERED SUSPENSIONS AND EXCLUSIONS

The Governing Body will notify the student's parents, the Headteacher and the LA of its decision in writing and without delay. Where the Governing Body decides not to reinstate a permanently excluded student, parents will be told: that the exclusion is permanent; of their right to an independent review, and the date and address for applying; that a remote hearing can be requested; that any application should set out its grounds, including how any SEND may be relevant; of their right to require a SEND expert to attend at no cost to them; and that they may appoint a representative at their own expense.

Parents will also be told that, if they believe the decision resulted from discrimination, they may make a claim to the First-tier Tribunal (SEND) within six months of the alleged discrimination. Following any conclusion, the Governing Body will notify all parties of the decision and the reasoning behind it, in sufficient detail.

15 REMOVING EXCLUDED STUDENTS FROM THE SCHOOL REGISTER

The Headteacher will remove a student from the school register where 15 school days have passed since parents were notified of the Governing Body's decision without an application for independent review, or where parents have confirmed



in writing they will not apply for one. Where an application is made within 15 school days, the Headteacher will wait until the review is determined or abandoned, and any reconsideration completed, before removing the student.

Where a student's name is removed, the Headteacher will make a return to the LA including the particulars entered in the register, the address of the parent the student normally resides with, at least one telephone number at which that parent can be contacted in an emergency, and the grounds for removal, together with the new address and start date if the student is going to live with a parent elsewhere, or the name of the new school and the date the student started or is due to start there, where known. This return will be made no later than the date of removal. If a discrimination claim is later upheld, the student may be reinstated by the First-tier Tribunal (SEND) or County Court.

While a student's name remains on the register, attendance will be marked using the appropriate code: Code B (education off-site), Code D (dual registration), or Code E (absent, not attending alternative provision).

16 INDEPENDENT REVIEW PANEL

An independent review panel will review the Governing Body's decision not to reinstate an excluded student where parents apply within the required timeframe. The panel will consist of three or five members, including a lay chair with no paid school experience, a current or recent school governor, and a current or recent headteacher.

Parents must apply within 15 school days of the Governing Body's notification, or of the final determination of a related discrimination claim. Applications outside this window will not be considered. A review will take place within 15 school days of the application being made, and may be held via remote access on request.

17 APPOINTING A SEND EXPERT

Where requested by parents, the Academy Trust will appoint a SEND expert to attend the review panel at no cost to parents, regardless of whether the school recognises the student as having SEND, and will indemnify the expert against reasonable legal costs incurred in good faith. A SEND expert will have no connection to the Academy Trust, school, parents, student or incident that might reasonably raise doubts about their impartiality (mere Academy Trust employment does not disqualify them), and will have first-hand professional experience of SEND assessment and support, such as an educational psychologist, specialist SEND teacher, SENCO or behaviour support teacher. The Academy Trust will make the final appointment, taking reasonable steps to ensure parents have confidence in the expert's impartiality, and will determine any related payment.

18 THE ROLE OF THE SEND EXPERT

The SEND expert provides impartial advice to the panel, similar to an expert witness, on how SEND may be relevant to the exclusion, based on the evidence presented. Their role does not include assessing the student's SEND. They will advise on whether the school's SEND-related policies, or their application to the student, were legal, reasonable and procedurally fair, including where the school does not recognise the student as having SEND, but will not criticise the school's approach simply because a different approach might have been taken.

19 APPOINTING A CLERK

The Academy Trust will decide whether to appoint a clerk to the independent review panel or make alternative administrative arrangements. Where a clerk is appointed, they will not have served as clerk to the Governing Body when the original decision not to reinstate was made.



20 THE ROLE OF THE CLERK

The clerk advises the panel and parties on procedure, law and statutory guidance. The clerk will: establish in advance whether the student, or any alleged victims, wish to attend and feed back their views; ensure the panel can hear from witnesses, noting that students under 18 cannot appear without parental consent; inform parents, the Headteacher and the Governing Body of their right to make representations, attend and be represented; circulate relevant papers at least five school days beforehand and confirm attendees and roles; and attend the review and ensure minutes are produced. Where no clerk is appointed, the Academy Trust undertakes these functions.

21 THE DUTIES OF THE INDEPENDENT REVIEW PANEL

The panel reviews the Governing Body's decision not to reinstate an excluded student, considering the student's interests and circumstances and the interests of others at the school, applying the civil standard of proof. Following review, the panel will either uphold the decision, recommend that the Governing Body reconsider reinstatement, or quash the decision and direct reconsideration. The panel's decision need not be unanimous and is binding on the student, parents, Governing Body, Headteacher and LA.

22 CONDUCTING MEETINGS OR PANELS VIA REMOTE ACCESS

Parents, or excluded students aged 18 or over, may request that a Governing Body meeting or independent review panel be held via remote access, though this is not the default option. Where correctly requested, the meeting will be held remotely, following the same timelines as a face-to-face meeting. Where no preference is stated, the meeting will be held in person unless impracticable, for example due to an outbreak of infectious illness.

Remote meetings will only proceed where they can be held fairly and transparently, complying with equalities legislation, ensuring participants can access the necessary technology, be seen and heard, and fully participate. Where technological issues prevent a fair and transparent remote meeting and cannot reasonably be resolved, a face-to-face meeting will be arranged without delay.

23 RECONSIDERING REINSTATEMENT FOLLOWING A REVIEW

Where the independent review panel instructs the Governing Body to reconsider a decision not to reinstate, it will do so within 10 school days of notice of the panel's decision. If, following such an instruction, the Governing Body still does not offer to reinstate the student, the Academy Trust will be required to make a payment of £4,000 directly to the local authority in which the school is located.

Where the panel recommends (rather than instructs) reconsideration, the Governing Body will also reconsider within 10 school days, but no financial adjustment applies whatever the outcome, including where the Governing Body offers reinstatement and the parents decline it. Following reconsideration, the Governing Body will notify parents, the Headteacher and the LA of its decision and reasons.

24 CRIMINAL INVESTIGATIONS

The Headteacher will not delay a decision to suspend or exclude because of a police investigation or ongoing criminal proceedings, though particular care will be taken where evidence is limited by an investigation, to ensure any decision remains fair and reasonable. Where the Governing Body is required to consider the Headteacher's decision in these circumstances, it will not postpone its meeting and will decide based on the evidence available.



25 TRAINING REQUIREMENTS

The Academy Trust will ensure that independent review panel members and clerks have received training within the two years prior to a review, covering: the legislation, regulations and statutory guidance governing suspensions and exclusions; the need for procedural fairness and natural justice; the roles of the chair and clerk; the duties of headteachers, Governing Bodies and the panel under the Equality Act 2010; and the Human Rights Act 1998. Clerks will also keep an up-to-date understanding of relevant case law.

26 USING DATA

The Headteacher will ensure that data on suspensions and exclusions is collected and provided to the Governing Body on a termly basis. The Governing Body will review this data to: monitor the level and characteristics of student moves and permanent exclusions to ensure they remain a last resort; gather information on students off the roll or attending education off-site; consider the effectiveness and consistency of the Behaviour Policy; understand variation in exclusion rates and repeat suspensions; evaluate equality considerations and interventions for students at risk; and review whether off-site placements are achieving their objectives.

27 MONITORING AND REVIEW

This policy will be reviewed annually by the Headteacher in conjunction with the Governing Body. The next scheduled review date is September 2027. All staff will be required to familiarise themselves with this policy as part of their induction.

APPENDIX 1: GOVERNING BODY TIMESCALES FOR REVIEWING A SUSPENSION OR EXCLUSION DECISION

This table summarises the statutory timescales set out in Section 12 above.

Scenario	Governing Body action and timescale
Permanent exclusion	Must meet to consider reinstatement within 15 school days of receiving notice.
Suspension totalling more than 15 school days in the term	Must meet to consider reinstatement within 15 school days of receiving notice.
Suspension or exclusion would cause the student to miss a public examination or national curriculum test	Must consider the matter before the examination date, regardless of the day count above.
Suspension totalling more than 5 but 15 or fewer school days in the term, and parents have requested a meeting	Must meet within 50 school days of receiving notice.
Suspension totalling more than 5 but 15 or fewer school days in the term, and parents have not requested a meeting	Not required to meet and has no power to direct reinstatement.
Suspension totalling 5 school days or fewer in the term	Must consider any parental representations but has no power to direct reinstatement; no meeting is required.