



LIFE Education Trust

Exclusions and Suspensions Policy (Essex Schools)

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1. Aims

The LIFE Education Trust is committed to following all statutory exclusions procedures to make sure that every child receives an education in a safe and caring environment. This Policy details the procedures that must be followed by Trust schools located in Essex Local Authority. There is a separate policy that details the process for schools located in Havering.

Our Trust aims to:

- Make sure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents/carers and pupils understand the exclusions process
- Make sure that pupils in school are safe and happy
- Prevent pupils from becoming not in education
- Make sure all suspensions and permanent exclusions are carried out lawfully

1.1 A note on off-rolling

'Off-rolling' is a form of gaming and occurs where a school decides, in the interests of the school and not the pupil, to:

- Remove a pupil from the school admission register without a formal, permanent exclusion, or
- Encourage a parent/carer to remove their child from the school, or
- Retain a pupil on the school admission register but not allow them to attend the school normally, without a formal permanent exclusion or suspension

Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, encouraging their parent(s)/carer(s) to remove them from the school, or not allowing them to attend school without following the statutory procedure contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a pupil's poor academic performance, or
- Because the pupil hasn't met a specific condition, such as attending a reintegration meeting

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.

2. Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education (DfE): [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#).

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](#)

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
- 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](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)
- The [School Inspection Handbook](#), which defines 'off-rolling'

This policy complies with our funding agreement and articles of association.

3. Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

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

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

Parent/carer – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents/carers and the admission authority for the new school, should consent before a managed move occurs.

4. The Use of Suspension and Exclusion

4.1 The Use of Suspension as a Consequence

At LIFE Education Trust, whilst we understand that suspension may be a necessary consequence, we only use this when absolutely necessary. Our schools apply a protective and educational approach to consequences even if the outcome is suspension: protective as a suspension insists on a short term change in routine, and this becomes educational when the provision is more personalised to meet the child's needs.

An appropriate use of suspension would be to allow the adults time to make the necessary adjustments to meet the needs of the child going forward. This includes:

- Reflecting, identifying needs and amending plans
- Using the time to prepare a suitable timetable or appropriate interventions to support

We understand that whilst a suspension might mark a break from the challenge for school staff, this is often not the case for the child person. Reflection and restoration are still essential to enable the pupil and staff to learn from the situation, to not carry unresolved shame with them, and to remain hopeful for the future. To achieve this, suspensions must be issued with kindness and compassion. At our schools we will always explain why the suspension is happening, separate the child from their behaviour, and ensure they have a safe adult who provides unconditional positive regard. We also provide hope for their return by planning for their reintegration and providing opportunities for them to share their views. We will endeavour to visit a suspended child at home before they return to school in order to reassure them that they are welcome and that their return will be a fresh start.

We refer to the [Education Access Team's Suspension Guidance](#) and the [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#) on every occasion that suspension is considered.

4.1.1 Behaviour related to a protected characteristic

We will take care to ensure that a decision to exclude or suspend does not involve any kind of discrimination as defined by the Equality Act 2010. We will not discriminate against students on the basis of protected characteristics, such as disability or race. The school will make reasonable adjustments for managing behaviour which is related to a student's disability or additional needs. Where permanent exclusion or suspension needs to be considered, the school will ensure that a student with a disability or additional need is able to present his or her case fully where the disability might hinder this.

We recognise that disruptive behaviour can be an indication of unmet needs. Where we have concerns about a student's behaviour, we will try to identify whether there are any causal factors and try to intervene early in order to reduce the need for a subsequent suspension. We will consider whether a multi-agency assessment that goes beyond a student's educational needs is required.

Where a student has SEND or an EHC Plan and we have concerns about their behaviour, we will work in partnership with other agencies to consider what additional support or alternative placement may be required to help avoid suspensions and exclusions for students with SEND and help ensure these students are fully supported in school. We will also work proactively with parents and carers in supporting behaviour of students with additional needs.

4.1.2 Lunchtime suspensions

A suspension can be for parts of the school day. For example, students whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period only, then back into school in the afternoon. In such cases the legal requirements in relation to suspensions, such as the Headteacher's duty to notify parents and carers, still apply. Lunchtime suspensions are counted as half a school day for statistical, recording and reporting purposes

4.2 The Use of Exclusion as a Consequence

Exclusion will only be used as an absolute last resort if keeping the child within the school is damaging to the safety and welfare of the child, or if the child poses an extreme danger to other children within the school that cannot be safely managed.

Our school considers the following principles and questions when considering exclusion:

- Is it absolutely necessary to exclude?
- What alternatives might be available?
- Is it in the best interest of the child?
- Is it in the best interest of the school community?

On the extremely rare occasion that exclusion occurs, our school would take reasonable measures to:

- A positive goodbye with closure for staff, the child and their family
- A robust handover between school staff to support the transition to the new school or setting
- Ensuring that the child takes their work with them to share with their new teachers, demonstrating their achievements and what they are proud of
- Restoration opportunities in the new school/setting, repairing the child/young person's relationship with education
- Encouragement to build new positive relationships to ensure a sense of belonging.

There are 15 DfE exclusion codes that can be used to record why a child has been excluded:

PP – Physical Assault against a pupil	PA – Physical Assault against an adult	VP – Verbal abuse/ threatening behaviour against a pupil
VA – Verbal abuse/ threatening behaviour against an adult	OW – Use or threat of use of an offensive weapon or prohibited item	BU – Bullying
RA – Racist abuse	LG – Sexual Abuse	DS – Abuse relating to disability
SM – Sexual misconduct	DA – Drug and alcohol related	DM – Damage
TH – Theft	MT – Inappropriate use of social media or online technology	DB – Persistent or general disruptive behaviour

As our schools seek to understand behaviour, we aim to not exclude for 'Persistent Disruptive Behaviour' as there are 14 alternatives which provide a far more meaningful description of behaviours.

We refer to the [Education Access Team's Exclusion Guidance](#) and the [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#) on every occasion that exclusion is considered.

5. Roles and Responsibilities

5.1 The Executive Headteacher or Headteacher

5.1.1 Deciding whether to suspend or exclude

Only the Executive Headteacher or Headteacher, 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 Executive Headteacher or Headteacher will only use permanent exclusion as a last resort.

A decision to **suspend** a pupil will be taken only:

- In accordance with the school's Behaviour Policy
- To provide a clear signal of what is unacceptable behaviour
- To show a pupil that their current behaviour is putting them at risk of permanent exclusion

Where suspensions have become a regular occurrence, the Headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

A decision to **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 others

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

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion was/were provoked
- Allow the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as:
 - For suspensions: internal exclusions or other sanctions provided for in the behaviour policy
 - For exclusions: off-site direction or managed moves

The Executive Headteacher or Headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

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

The Executive Headteacher or Headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

5.1.2 Informing parents/carers

If a pupil is at risk of suspension or exclusion, the headteacher will inform the parents or carers as early as possible, in order 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. Model letters can be found at Appendix 2 and 3 of this Policy.

If the Headteacher decides to suspend or exclude a pupil, the parents or carers will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about the parents' or carers' right to make representations about the suspension or permanent exclusion to the Local Governance Committee.
- How any representations should be made
- Where there is a legal requirement for the Local Governance Committee to hold a meeting to consider the reinstatement of a pupil, and that parents and carers have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That parents and carers have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the pupil is of compulsory school age, the headteacher will also notify parents or carers 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 5 school days of the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents or carers 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 or carers 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 in order to identify the person they should report to on the first day

If the Executive Headteacher or Headteacher 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'/carers' consent.

If the Executive Headteacher or Headteacher cancels the suspension or permanent exclusion, they will notify the parents or carers without delay, and provide a reason for the cancellation.

5.1.3 Informing the Local Governance Committee

The Executive Headteacher or Headteacher will, without delay, notify the individual school's Local Governance Committee of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion that would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion that would result in the pupil missing a National Curriculum test or public exam
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

5.1.4 Informing Essex Local Authority (LA)

The Executive Headteacher or Headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension. For Essex LA, suspensions and exclusions should be emailed to suspensions@essex.gov.uk or exclusions@essex.gov.uk For Permanent Exclusions the notification should be made using the Permanent Exclusion Notification Form which can be found on Essex Infolink [Permanent exclusion | Essex Schools Infolink](#)

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

The Executive Headteacher or Headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

5.1.5 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 headteacher 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 headteacher will inform **the VSH** as early as possible

This is so they can 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 Executive Headteacher or Headteacher 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)
- They have decided to cancel a suspension or permanent exclusion, and why (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.

5.1.6 Cancelling suspensions and permanent exclusions

The Executive Headteacher or Headteacher may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents or carers, Local Governance Committee and LA will be notified without delay. A model letter to parents or carers can be found at Appendix B of this policy.
- Where relevant, any social worker and VSH will be notified without delay
- The notification must provide the reason for the cancellation
- The Local Governance Committee's duty to hold a meeting and consider reinstatement ceases
- Parents and carers will be offered the opportunity to meet with the Executive Headteacher or Headteacher to discuss the cancellation, which will be arranged without delay
- The pupil will be allowed back in school without delay

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.

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.

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

If the pupil is not attending alternative (AP) provision, the Executive Headteacher or Headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom or Oak Academy may be used for this. If the pupil has a special educational need or disability, the Headteacher 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 isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

5.2 The Local Governance Committee

5.2.1 Considering suspensions and permanent exclusions

Responsibilities regarding exclusions are delegated to the Local Governance Committee. Exclusions and suspensions can be considered by a sub group smaller than 3 governors.

The Local Governance Committee has a duty to consider parents' and carers' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances.

For any suspension of more than 5 school days, the Local Governance Committee will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

5.2.2 Monitoring and analysing suspensions and exclusions data

The Local Governance Committee will review, challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision, and managed moves.

The Local Governance Committee will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- The timing of moves and permanent exclusions, and whether there are any patterns, including any indications that may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and whether pupils who share any particular characteristic are suspended or excluded more than others
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure the school that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site

5.3 The Local Authority (LA)

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.

For pupils who are looked after 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.

6. Considering the reinstatement of a pupil

The Local Governance Committee will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
- It is a suspension that would bring the pupil's total number of days out of school to more than 15 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 5 in a term, the Local Governance Committee must consider any representations made by parents or carers. However, it is not required to arrange a meeting with parents or carers and it cannot direct the headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents or carers make representations to governors, the Local Governance Committee will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents or carers do not make representations, the Local Governance Committee 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 National Curriculum test, the Local Governance 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, a sub committee of the Local Governance Committee may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

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

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

The meeting can be held remotely at the request of parents or carers. See section 9 for more details on remote access to meetings.

The Local Governance 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.

Local Governance 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 Local Governance Committee will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the Headteacher followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the Local Governance Committee

They will decide whether or not a fact is true 'on the balance of probabilities'.

The Clerk or Governance Professional will be present when the decision is made.

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

- The parents or carers,
- The Executive Headteacher or Headteacher
- The pupil's social worker, if they have one
- The VSH, 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 Local Governance Committee has 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' and carers' 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 Local Governance Committee's decision is given to parents or carers)
- 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 considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents and carers 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 and carers for this appointment
- That parents or carers must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents or carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents or carers may also bring a friend to the review

- That, if parents or carers believe that the 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, that 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

7. Independent Review

If parents or carers apply for an independent review within the legal timeframe, the Academy Trust will, at their own expense, arrange for an independent panel to review the decision of the Local Governance Committee not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents or carers by the Local Governance 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. Any applications made outside of this timeframe will be rejected.

Independent reviews can be held remotely at the request of parents and carers. See section 9 for more details on remote access to meetings.

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 governor category and 2 members will come from the Headteacher category. At all times during the review process there must be the required representation on the panel.

- 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
- Current or former 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

A person may not serve as a member of a review panel if they:

- Are a member of the Academy Trust of the excluding school
- Are the Headteacher 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/carers 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 appendix 1 for what training must cover)

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

Taking into account the pupil's age and understanding, the pupil or their parents or carers 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 VSH is present, the panel must have regard to any representation made by the VSH of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion, or are relevant to the pupil's permanent exclusion.

Following its review, the independent panel will decide to do 1 of the following:

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

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

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 Local Governance Committee at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the Local Governance Committee 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 Local Governance Committee 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 Local Governance Committee reconsider reinstatement.

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

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 10 school days

- Any information that the panel has directed the governing board to place on the pupil's educational record

8. School Registers

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

- 15 school days have passed since the parents or carers were notified of the Local Governance Committee's to not reinstate the pupil, and no application has been made for an independent review panel, or
- The parents or carers have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made within 15 school days, the Local Governance Committee will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision (of an approved educational activity that does not involve the pupil being registered at any other school) has been made for an excluded pupil and they attend it, code B (education off-site) will be used on the attendance register. During off-site direction to another school or educational establishment, code D (dual registration) will be used.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

8.1 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 or carer with whom the pupil normally resides
- At least 1 telephone number at which any parent or carer 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 or carers 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 or carer(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents or carers have informed the school that the pupil is moving house

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

9. Returning from a suspension

9.1 Reintegration Strategy

Following suspension, or cancelled suspension or exclusion, 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 third-party organisations 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 for the pupil:

The points below are suggestions only and should be adapted to your school's specific circumstances.

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

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents or carers and other relevant parties.

9.2 Reintegration meetings

The school will clearly 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 or carers, a member of senior staff, and any other relevant staff will be invited to attend the meeting. This meeting may take place in the pupil's home before the suspension ends.

The meeting can proceed without the parents or carers in the event that they cannot or do not attend.

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

10. Remote Access to Meetings

Parents and carers, can request that a Local Governance Committee meeting, or independent review panel be held remotely. If the parents or carers don't express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

Local Governance Committee and the Academy Trust should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology that will allow them to hear, speak, see and be seen
- All the participants will be able participate fully
- The remote meeting can be held fairly and transparently

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently

11. Monitoring Arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units (PRUs), off-site directions and managed moves
- Anonymous surveys of staff, pupils, governors/trustees and other stakeholders on their perceptions and experiences

The data will be analysed every term by the Head of School supported by the Executive Headteacher and will report back to the Local Governance Committee as part of the termly Safeguarding Monitoring Report..

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By time of day/week/term
- By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

The multi-academy trust will work with its academies to consider this data, and to analyse whether there are patterns across the trust, recognising that numbers in any 1 academy may be too low to allow for meaningful statistical analysis.

This policy will be reviewed by the Trust Safeguarding Lead annually. At every review, the policy will be approved by the Education Committee and shared with the Local Governance Committee of each school.

12. Links with other Policies

This policy is linked to other Trust and Local policies including:

Behaviour Policy

SEND policy

SEND information report

Equality Statement

Transition Policy

Safeguarding and Child Protection Policy

Appendix 1 - Independent Review Panel Training

LIFE Education Trust must make sure that all members of an independent review panel and clerks/governance professionals have received training within the 2 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/governance professional of a review panel
- 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

Appendix 2 - Suspension Letters

Model Letter 1:

From Executive Headteacher or Headteacher notifying parent or carer of a suspension of 5 days or fewer in one term, and where a public examination is not missed.

Dear [parent or carer's name]

I am writing to inform you of my decision to suspend [child's name] for a period of [number of days] days. This means that he/she will not be allowed in school for this period. The suspension will start on [date] until the [date]. Your child should return to school on [date].

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend [child's name] has not been taken lightly. [Child's name] has been suspended for this period because [reason for suspension].

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on [specify dates]. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

We will set work for [child's name] to be completed on the days specified in the previous paragraph. [Detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the Governing Board. If you wish to make representations please contact [Name of contact] on/at [contact details – address, phone number, email] as soon as possible. The governing board must consider any representations you wish to make but it cannot direct reinstatement and is not required to arrange a meeting with parents.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or the County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the Governing Board.

You [and your child] are requested to attend a reintegration interview with me [alternatively, specify the name of another staff member] at [place] on [date] at [time]. If that is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You may find it useful to contact the following services who will be able to offer you free and impartial advice:

- The Coram Children's Legal Centre on 0345 345 4345 www.childrenslegalcentre.com
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the

right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

- SEN Information Advice & Support Services Network (formerly known as the local parent partnership) on 01245 204338 <https://www.essexsendiass.co.uk/>

[Child's name]'s exclusion expires on [date] and we expect [child's name] to be back in school on [date] at [time].

Yours sincerely

[Name]

Executive Headteacher / Headteacher

Model Letter 2:

From Executive Headteacher or Headteacher notifying parent or carer of a suspension of more than 5 days (up to and including 15 school days) in a term.

Dear [parent or carer's name]

I am writing to inform you of my decision to suspend [child's name] for a period of [number of days] days. This means that he/she will not be allowed in school for this period. The exclusion will start on [date] until the [date]. Your child should return to school on [date].

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend [child's name] has not been taken lightly. [Child's name] has been suspended for this period because [reason for suspension].

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on [specify dates]. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

We will set work for [child's name] during the [first 5 or specify other number as appropriate] school days of his/her suspension [specify the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the 6th school day of the pupil's suspension [specify date] until the expiry of his/her suspension we will provide suitable full-time education. [Set out alternative provision arrangements; if not ascertainable, it must be provided in a subsequent notice no later than 48 hours before the provision is due to start]

On [date] he/she should attend [give name and address of alternative provider] at [specify the time] and report to [staff members name].

As the period of suspension is more than 5 school days in a term, you have the right to make representations to the School's Local Governance Committee and request that my decision be reviewed. The latest date by which the Local Governance Committee must meet is [specify date – no later than the 50th school day after the date on which the Local Governance Committee were notified of this exclusion].

If you wish to make representations please contact [Name of contact] on/at [contact details – address, phone number, email] as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform [contact] if it would be helpful for you to have an interpreter at the meeting.

The Local Governance Committee must consider reinstatement where possible. If the pupil has returned to school before the Local Governance Committee meet, they must still place a copy of their findings on the pupil's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or the County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the School's Governing Board.

The Department for education has published guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found here <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>

- You may find it useful to contact the following services who will be able to offer you free and impartial advice: <https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network>
- Coram's Child Law Advice service can be found through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- The Coram Children's Legal Centre on 0345 345 4345 www.childrenslegalcentre.com
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership) on 01245 204338 <https://www.essexsendiass.co.uk/>

You and [child's name] are requested to attend a reintegration interview with me [alternatively, specify the name of another staff member] at [place] on [date] at [time]. If that is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed

[Child's name]'s suspension expires on [date] and we expect [Child's name] to be back in school on [date] at [time].

Yours sincerely

[Name]

Executive Headteacher / Headteacher

Model Letter 3:

From Executive Headteacher or Headteacher notifying parent or carer of a suspension of more than 15 school days in one term.

Dear [parent's name]

I am writing to inform you of my decision to suspend [child's name] for a period of [number of days] days. This means that he/she will not be allowed in school for this period. The exclusion will start on [date] until the [date]. Your child should return to school on [date].

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend [child's name] has not been taken lightly. [Child's name] has been suspended for this period because [reason for suspension].

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on [specify dates]. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

We will set work for [child's name] during the [first 5 or specify other number as appropriate] school days of his/her suspension [specify the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the 6th school day of the pupil's suspension [specify date] until the expiry of his/her suspension we will provide suitable full-time education. [Set out alternative provision arrangements; if not ascertainable, it must be provided in a subsequent notice no later than 48 hours before the provision is due to start]

On [date] he/she should attend [give name and address of alternative provider] at [specify the time] and report to [staff members name].

As the period of this suspension is more than 15 school days in one term the school's Local Governance Committee. must meet to consider the exclusion. The latest date by which the Local Governance Committee. must meet is [specify date – no later than the 15 school days from the date which the Governing Board were notified of this suspension].

At the hearing you have the right to make representations to the Local Governance Committee. If you wish to make representations and wish to be accompanied by a representative or friend, please contact [name of contact] on/at [contact details – address, phone number, email] as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the Local Governance Committee of the time, date, and location of this meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Please inform [contact] if it would be helpful for you to have an interpreter at the meeting.

The Local Governance Committee. must consider reinstatement where possible. If the pupil has returned to school before the Local Governance Committee meet, they must still place a copy of their findings on the pupil's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or the County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the Governing Body.

You and [child's name] are requested to attend a reintegration interview with me [alternatively, specify the name of another staff member] at [place] on [date] at [time]. If that is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

The Department for education has published guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found here <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>

- You may find it useful to contact the following services who will be able to offer you free and impartial advice: <https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network>
- Coram's Child Law Advice service can be found through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- The Coram Children's Legal Centre on 0345 345 4345 www.childrenslegalcentre.com
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership) on 01245 204338 <https://www.essexsendiass.co.uk/>

[Child's name]'s suspension expires on [date] and we expect [child's name] to be back in school on [date] at [time].

Yours sincerely,

[Name]

Executive Headteacher / Headteacher

Appendix 3 - Exclusion Letters

Model Letter 4:

From the Executive Headteacher or Headteacher notifying parent or carer of that pupil's permanent exclusion.

Dear [Parent's name]

I am writing to inform you of my decision to permanently exclude [child's name] with effect from [specify date]. This means that he/she will not be allowed in this school/PRU unless he/she is reinstated by the School's Local Governance Committee.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [Child's name] has not been taken lightly. [Child's name] has been excluded because [reason for exclusion-include any other relevant previous history].

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on [specify dates] unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

Alternative arrangements for [child's name] education to continue will be made. For the first five school days of the exclusion we will set work for [child's name] and would ask you to ensure this work is completed and returned promptly to school for marking. From the sixth school day of the exclusion onwards – i.e from [specify date] the Local Authority, will provide suitable full-time education.

[Where the pupil lives in a local authority other than the excluding school's local authority]

I have also today informed [name of officer] at [name of local authority] of your child's exclusion and they will be in touch with you about arrangements for [his/her] education from the sixth school day of exclusion. You can contact them at [contact details]

As this is a permanent exclusion the school's Local Governance Committee must meet to consider the exclusion. The latest date by which the Local Governance Committee must meet is [specify date – no later than the 15 school days from the date which the Governing Board were notified of this exclusion].

At the hearing you and your child, if they are over the age of eighteen, may make representations to the Local Governance Committee. The Local Governance Committee can either reinstate your child immediately or on a particular date or decline reinstatement. If the reinstatement is declined, you have the right to request an Independent Review. If you do wish to make representations and wish to be accompanied by a friend or representative, please contact [Name of contact] on/at [contact details – address, phone number, email] as soon as possible.

You will be notified by the Clerk to the Local Governance Committee of the time, date and location of this meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform [contact] if it would be helpful for you to have an interpreter at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or the County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the Local Governance Committee.

The Department for Education has published guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found here <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>

You may find it useful to contact the following services who will be able to offer you free and impartial advice:

- <https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network>
- Coram’s Child Law Advice service can be found through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- The Coram Children’s Legal Centre on 0345 345 4345 www.childrenslegalcentre.com
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership) on 01245 204338 <https://www.essexsendiass.co.uk/>

You may wish to contact Education Access at Essex County Council - 03330 131157 or 03330 131150.

Yours sincerely

[Name]

Executive Headteacher / Headteacher

Model Letter 5:

From the clerk to the Local Governance Committee to the parent upholding the permanent exclusion.

Dear [parent's name]

The meeting of the Local Governance Committee at [school] on [date] considered the decision by [Head Teacher] to permanently exclude your son/daughter. The Local Governance Committee, after carefully considering the representations made and all the available evidence, has decided not to reinstate your child.

The reasons for the Local Governance Committee's decision are as follows: [give reasons in as much detail as possible, explaining how they were arrived at]

If you wish for this decision to be reviewed by an Independent Review Panel, please notify [name of clerk to the review panel at the school or address of Essex County Council's Statutory Appeals Service if the school has subscribed to their services – please contact the Education Access Service prior to sending the letter to parents to confirm which you will be using - this alters the process used by parents to request an Independent Review and an additional form may be required] of your request. You must set out the reasons for your review in writing, and, if appropriate this may also include reference to any disability discrimination claim you may wish to make. Please send this notice by no later than [specify the latest date – the 15th school day after the parents would receive this letter – weekends, bank holidays, school holidays and non-pupil days do not count].

The Review Panel will rehear all the facts of the case. If you have fresh evidence to present to the panel you may do so. The panel must meet no later than the 15th school day after the date on which your request for a review is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

In determining your review, the panel can make one of three decisions: they may uphold the Local Governance Committee's decision; recommend that the Local Governance Committee reconsiders reinstatement; or quash the decision and direct that the Local Governance Committee reconsiders reinstatement.

If you have not submitted your request for an Independent Review by [repeat latest date], you will lose your right to do so. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also please inform [name of clerk to the review panel] if it would be helpful for you to have an interpreter present at the hearing.

You may wish to contact Education Access at Essex County Council on either 03330 131157 or 13330 131150.

The Department for education has published guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found here <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>

You may find it useful to contact the following services who will be able to offer you free and impartial advice:

- <https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network>
- Coram’s Child Law Advice service can be found through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- The Coram Children’s Legal Centre on 0345 345 4345 www.childrenslegalcentre.com
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership) on 01245 204338 <https://www.essexsendiass.co.uk/>

The arrangements currently being made for [child’s name] education will continue.

Yours sincerely

[Name]

Clerk to the Discipline/Management Committee