



Suspension and Permanent Exclusion Policy

September 2026

1. Aim

This policy sets out the school's approach to managing suspensions and permanent exclusion and should be read alongside the Behaviour for Learning Policy.

The aim of this policy is to ensure that the process for suspensions and permanent exclusions is understood by governors, staff, parents and students, and is applied fairly, consistently and lawfully.

2. Legislation and statutory guidance

This policy is based on the Department for Education's statutory guidance [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#) effective from July 2026. The guidance sets out detailed responsibilities and actions for the Headteacher and the Governing Board and should be read alongside this policy.

Detailed procedural requirements are not reproduced in full within this policy. In all cases, the Headteacher, Governing Board and Academy Trust will comply with applicable legislation and have regard to the current Department for Education statutory guidance on suspension and permanent exclusion, including the requirements relating to notifications, Governing Board consideration of reinstatement and independent review.

This policy is also 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 Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026
- Ofsted School inspection toolkit, which defines 'off-rolling'

This policy also complies with the school's funding agreement and articles of association as an Academy Trust.

3. Definitions

The following definitions are used with regard to suspension and exclusion:

<i>Suspension:</i>	when a student is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion.'
<i>Permanent Exclusion:</i>	when a student is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.
<i>Off-site direction:</i>	when the Governing Board requires a student to attend another education setting temporarily, to improve their behaviour.
<i>Managed move:</i>	when a student is transferred to another school permanently by consent of all parties, including parents and the admission authority for the new school. Managed moves cannot be used on a trial basis.
<i>Parent:</i>	any person who has parental responsibility and any person who has care of the child.

References in this policy to the Headteacher should be understood as being references to the Deputy Headteacher in the absence of the Headteacher where the Deputy Headteacher is formally acting as Headteacher.

4. Deciding whether to temporarily remove a pupil from the school site for safeguarding reasons

In exceptional circumstances, the Headteacher may decide to temporarily prevent a pupil from attending the school site for safeguarding reasons. This is not an exclusion on disciplinary grounds.

This measure will only be used when:

- It is necessary to separate pupils to ensure safety, and
- There is no reasonable alternative that would allow all pupils to remain on site

Decisions will be made on a case-by-case basis, led by the designated safeguarding lead (DSL) and informed by multi-agency working where appropriate (e.g. children's social care or the police).

Where this measure is used, the school will:

- Inform parents/carers without delay, including the reasons for the decision
- Notify the Governing Board without delay
- Provide work for the pupil to complete at home, or work with the LA to ensure suitable education is arranged
- Support the pupil's reintegration, as soon as it is safe to do so

5. Use of suspension and permanent exclusion

Suspension may be used as a sanction for serious breaches of the school's expectations of behaviour. The Headteacher can suspend a student for a set number of school days, to a maximum of 45 in any year. The school must make arrangements to provide suspended students of statutory school age with full-time education from the sixth day of the suspension.

Permanent exclusion will only be used as a last resort. A decision to permanently exclude a student will only be taken:

- in response to a serious breach or persistent breaches of the school's Behaviour for Learning Policy; and

- where allowing the student to remain in school would seriously harm the education or welfare of the student or others, including other students or staff.

Both elements of this test must be satisfied. No particular category of misconduct will automatically result in permanent exclusion; each case will be considered on its individual circumstances.

Subject to the statutory test above, permanent exclusion may be considered following a serious single incident, including, but not limited to, serious actual or threatened violence, sexual abuse or assault, supplying drugs or other banned substances, or the use or threatened use of an offensive weapon or prohibited item. It may also be considered following persistent breaches of the school's Behaviour for Learning Policy where appropriate strategies, interventions and sanctions have not succeeded in bringing about the required improvement in behaviour.

Behaviour outside school may also be considered as grounds for suspension or permanent exclusion.

Any decision to suspend or permanently exclude a student will be lawful, reasonable, fair and proportionate. In reaching a decision, the Headteacher will consider the individual circumstances of the case and all relevant evidence, including the student's views, their age and understanding, any relevant safeguarding or vulnerability factors, any special educational needs or disability, and the school's duties under the Equality Act 2010 and Children and Families Act 2014.

When applying the 'would seriously harm' test, the Headteacher will consider the nature and level of risk that would arise if the student remained at the school, including the likelihood and potential seriousness of harm to the education or welfare of the student or others. The Headteacher will also consider whether there are reasonable, proportionate and practicable measures that could manage or reduce those risks sufficiently. Where appropriate, this consideration may be supported by a documented risk assessment. The assessment of risk will form part of the Headteacher's consideration of the statutory test and will take account of the individual circumstances of the case.

For incidents connected with drug misuse, the Department for Education advises that in many cases suspension will be the appropriate course but leaves it to schools to decide whether or not to exclude permanently. Schools are advised to ensure that the needs of the individuals involved, as well as their peers, are taken into account. The school's attitude towards the association of the school with the misuse of drugs by students is clearly stated in the school's Alcohol and Drugs policy.

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

- Consider all the relevant facts and evidence on the balance of probabilities
- Allow the pupil to give their version of events considering these in light of their age and understanding, unless it would not be appropriate to do so
- 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) or a previously looked-after child)
- Consider whether all alternative solutions have been explored, such as:
 - For suspensions: other sanctions provided for in the Behaviour for Learning Policy
 - For permanent exclusions: off-site direction (for temporary placements) or managed moves (which are permanent and not used as trial placements)

6. Alternatives to permanent exclusion – off-site direction and managed moves

Off-site direction is a temporary measure under which a student is required to attend another education setting for the purpose of improving their behaviour. It will not be used as a punishment for past misconduct.

Off-site direction will normally be considered where appropriate in-school interventions or targeted support have been unsuccessful or are considered inappropriate. The nature of the intervention, its objectives and the intended timescale will be clearly identified.

Before making an off-site direction, the school will:

- seek and consider the student's views, taking account of their age and understanding;
- consider the student's individual needs and circumstances, including any SEND, disability, health or safeguarding needs;
- be able to evidence appropriate initial intervention, including multi-agency support or statutory assessment where relevant; and
- ensure that relevant information is shared with the receiving setting, including information necessary to safeguard and support the student.

The Governing Board/Academy Trust will comply with the statutory requirements governing off-site direction, including the **Education (Educational Provision for Improving Behaviour) Regulations 2010**, as amended and modified for academies by the **Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026**, and will have regard to the current DfE guidance on suspension and permanent exclusion and alternative provision.

Parents, or the student if aged 18 or over, and the local authority where the student has an EHC plan, will receive the prescribed written notification of an off-site direction as soon as practicable and no later than two school days before the placement is due to begin. This will include the location of the provision, reporting arrangements, its intended duration, the reasons for and objectives of the placement and the relevant session times.

The placement and arrangements for reintegration will be kept under review for as long as the off-site direction remains in effect. Review meetings will be held at appropriate intervals having regard to the needs of the student. Parents, or the student if aged 18 or over, and the local authority where the student has an EHC plan, may request a review in accordance with the relevant statutory requirements. The outcome of each statutory review will be recorded and communicated in writing.

Students placed through off-site direction will continue to receive a broad and balanced education and the school's duties under the Equality Act 2010 and Children and Families Act 2014 will continue to apply.

Managed moves

A managed move is a voluntary, planned process that results in the permanent transfer of a student to another mainstream school. It must be agreed by all relevant parties, including the parents, or the student if aged 18 or over, and the admission authority of the receiving school, and should only take place where it is in the student's best interests.

A managed move will not be used on a trial basis. Where a temporary placement is required to improve behaviour, the statutory off-site direction process should be used instead.

Before agreeing a managed move, the school will:

- seek and consider the student's views;
- be able to evidence appropriate intervention and support;
- ensure that relevant safeguarding, attainment, risk-management and support information is shared with the receiving school;
- involve the local authority before a managed move is agreed where the student has an EHC plan; and
- notify and involve the student's social worker where they have one and the Virtual School Head where the student is looked after, as appropriate.

Any managed move will comply with the School Admissions Code and the requirements governing school admission registers. A student will not be permanently excluded because a parent or student declines to agree to a managed move.

7. Off-rolling

The school is aware that the practice of off-rolling is unlawful. Ofsted defines off-rolling as:

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

Accordingly, we will not suspend or exclude a student unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure or formally recording the event.

Examples of off-rolling include:

- Moving a pupil to off-site AP where this is not in their best interests
- Encouraging a post-16 student not to continue with their course of study when this is against the best interests of that pupil
- Sending a pupil home without a formal suspension regardless of whether it occurs with the agreement of parents/carers
- Placing a pupil on a part-time timetable for behavioural reasons
- Intentionally removing a pupil from the school roll without correctly following regulations

8. Roles and responsibilities

a) The Headteacher

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

The Headteacher will take responsibility for all decisions to suspend or permanently exclude and will act in accordance with the statutory DfE guidance.

In particular, the Headteacher will follow the specific requirements in the guidance with regard to making a decision to exclude, and informing parents, the Governing Board and the local authority.

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

- Consider all the relevant facts and evidence on the balance of probabilities
- Allow the student to give their version of events
- Consider whether the student has special educational needs and/or disabilities (SEND), or is especially vulnerable (e.g. has a social worker, or is a looked-after child)
- Consider whether all alternative solutions have been explored

In the absence of the Headteacher, the power to suspend or permanently exclude a student may only be exercised by a person who has been formally appointed to carry out the functions of the Headteacher during the Headteacher's absence or pending the appointment of a Headteacher. Where the Headteacher is absent and unable to exercise the functions of their role, the power may be exercised by a Deputy Headteacher as they have been formally appointed to act as Headteacher in such circumstances.

b) The Governing Board

The responsibilities of the Governing Board are set out in the statutory DfE guidance.

The Governing Board may review suspensions or permanent exclusions and will consider any representations made by the parents of the student, or by the student themselves if aged 18 or over.

The Governing Board has no power to increase the severity of suspensions. It can, however, uphold a suspension or permanent exclusion or direct the student's reinstatement, either immediately or by a particular date.

However, in the case of suspension that does not bring the pupil's total number of days of suspension to more than five days in a term, the Governing Board cannot direct reinstatement and is not required to arrange a meeting with parents.

The Governing Board must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the Headteacher if:

- it is a permanent exclusion;
- it is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term;
- it would result in the pupil missing a public examination

Responsibility for the consideration of a suspension or permanent exclusion, and the possible reinstatement of an excluded student is delegated to a hearing panel of the Governing Board, consisting of at least 3 governors. The procedure for such a hearing is set out in Appendix 1.

9. Informing parents

If a student is at risk of suspension or permanent exclusion, the Headteacher will ensure the parents and the student are informed as early as possible, in order to work together to consider what factors may be affecting the student's behaviour, and what further support can be put in place to improve their behaviour.

Where the student has a social worker, the social worker and the Designated Safeguarding Lead should also be involved as early as possible. Where a looked-after child is at risk of suspension or permanent exclusion, the school will involve the relevant Virtual School Head at the earliest opportunity.

If the Headteacher decides to suspend or permanently exclude a student, the parent, or the student themselves if aged 18 or over, will be notified without delay of the period of the suspension or the fact of permanent exclusion and the reason(s) for it.

Where the student has a social worker, the Headteacher will notify the social worker without delay. Where the student is a looked-after child, the relevant Virtual School Head will also be notified without delay.

The parent, or student if aged 18 or over, 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'/student's right to make representations about the suspension or permanent exclusion to the Governing Board, and how any representations should be made
- That where there is a legal requirement for the Governing Board to hold a meeting to consider the reinstatement of a student, parents/the student have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That meetings may be held remotely by request, and how and to whom they should make this request.

Where the student is of compulsory school age, the Headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that for the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason, and that they may be given a fixed penalty notice or prosecuted if they fail to do this.

Where alternative provision is being arranged, parents will be provided in writing, in accordance with the statutory timescales and current DfE guidance, with the start date, session times, address of the provision and information identifying the person to whom the student should report on the first day.

During the first five school days of a suspension or permanent exclusion, where the student is not attending alternative provision, the school will take reasonable steps to ensure that appropriate, accessible and achievable work is set and assessed. The school's duties towards students with SEND and disabilities continue to apply during this period.

For a suspension of more than five school days, the Governing Board will arrange suitable full-time education for a student of compulsory school age to begin no later than the sixth school day of the suspension. In the case of permanent exclusion, responsibility for arranging suitable full-time education from the sixth school day rests with the student's local authority.

Where a looked-after child or a child with a social worker is suspended or permanently excluded, the school will work with the local authority and other relevant professionals to consider whether suitable alternative provision can be arranged from the first day following the exclusion.

10. Informing the Governing Board

The Headteacher will, without delay, notify the Governing Board of:

- Any permanent exclusion
- Any suspension which would result in the student being suspended for a total of more than 5 school days in a term
- Any suspension or permanent exclusion which would result in the student missing a public exam
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

The Headteacher will also inform the Governing Board once per term of any other suspensions of which it has not previously been notified.

11. Informing the local authority

The Headteacher will notify the local authority of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

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 student lives outside the local authority in which the school is located, the Headteacher will also, without delay, inform the student's 'home authority' of the exclusion and the reason(s) for it.

12. Cancelling suspensions and permanent exclusions

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

- The parent, or student if aged 18 or over, the Governing Board and the local authority will be notified without delay. Where applicable, the student's social worker and/or the Virtual School Head will also be notified without delay.
- The notification must provide the reason for the cancellation
- The Governing Board's duty to hold a meeting and consider reinstatement ceases
- Parents will be offered the opportunity to meet with the Headteacher to discuss the cancellation, which will be arranged without delay
- The student 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 student has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

13. Independent review

If parents apply for an independent review in the timeframe outlined in the statutory guidance, the school will arrange for an independent panel to review the decision of the Governing Board not to reinstate a permanently excluded student. A panel of either three or five members will be constituted in line with the statutory guidance. The School will ensure that panel members and any clerk have received the required training within the two years preceding the review. The School may commission an external specialist organisation to run the independent review.

The parent, or student if aged 18 or over, has the right to request the appointment of a SEN expert, at no cost to them. This right applies whether or not the school has previously identified the student as having special educational needs. The role of any SEN expert is advisory not determinative.

Following its review, the independent panel may:

- Uphold the Governing Board's decision
- Recommend that the Governing Board reconsiders reinstatement
- Quash the Governing Board's decision and direct it to reconsider reinstatement where the decision was flawed when considered in the light of the principles applicable to an application for judicial review

As an academy, the School is **not required** to agree to a request from parents/carers for a representative from the LA to attend a suspension or exclusion review meeting. Any such representative may make representations only with the consent of the Governing Board.

Detailed requirements relating to the constitution, administration and conduct of an Independent Review Panel are set out in the current DfE statutory guidance and will be followed by the Academy Trust.

14. Returning from a suspension, off-site direction or safeguarding separation

Following a suspension, off-site direction or safeguarding separation, a reintegration meeting will be held involving the student, parents, a member of the Senior Leadership Team and other staff where appropriate. This will normally occur on or before the student's return to school, where practicable.

A student's return to school following the expiry of a suspension will not be made conditional upon the student or their parent attending a reintegration meeting. Where necessary to support a safe and

successful reintegration, proportionate and temporary arrangements may be put in place on the student's return, having regard to any identified safeguarding, welfare or behavioural risks. Such arrangements may be informed by a risk assessment and will be kept under review. They will not be imposed solely because a reintegration meeting has not taken place.

The purpose of this meeting is to support the student's successful reintegration into school, to consider any wider concerns, for example in relation to attendance or academic progress, and to discuss any support which may be required to help the student's reintegration and to sustain improved behaviour.

A record of the meeting will be shared with the parent. Where appropriate, this will include details of any support plan that has been agreed to support the student moving forward, together with the date on which the plan will be reviewed.

Where a support plan is in place, it will be reviewed by the agreed date. At that point, a decision will be made as to whether the support should be continued, amended or brought to an end.

15. Remote access to meetings

Parents, or the student if aged 18 or over, may request that a Governing Board meeting, or Independent Review Panel be held remotely. Where a request is made in accordance with the statutory requirements, the meeting will be held remotely provided the Governing Board or arranging authority is satisfied that all participants can participate fully and that the meeting can be held fairly and transparently. If the parent does not 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. The Governing Board 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 which will allow them to hear, speak, see and be seen
- All the participants will be able to participate fully
- The remote meeting can be held fairly and transparently

The school's normal expectation is that reintegration meetings following a suspension are held face to face, but remote access meetings may be held in exceptional circumstances.

Whether for a suspension or exclusion review meeting or an IRP meeting, remote meeting requests by parents/carers can be refused if there are safeguarding concerns identified through a risk assessment which mean that a remote meeting will not allow full participation or cannot be held fairly and transparently.

16. School registers

Following a permanent exclusion, the student's name will be removed from the school admission register where:

- 15 school days have passed since the parent, or student if aged 18 or over, was notified of the Governing Board's decision not to reinstate the student and no application for an Independent Review Panel has been made; or
- the parent, or student if aged 18 or over, has stated in writing that they will not be applying for an Independent Review Panel.

Where an application for an Independent Review Panel has been made within the permitted timescale, the student's name will not be removed from the admission register until the review has concluded and, where the Independent Review Panel has recommended or directed the Governing Board to reconsider reinstatement, that reconsideration has been completed.

The school will comply with the School Attendance (Pupil Registration) (England) Regulations 2024 and the current DfE statutory guidance when removing a permanently excluded student from the admission register and notifying the local authority.

17. Monitoring and evaluation of the policy

The Governing Board will monitor the implementation and impact of this policy on a regular basis through the Staff, Students and Community Committee. The Committee will be informed of the number and reasons for suspensions and permanent exclusions on a termly basis along with cases of off-site direction, safeguarding separation and managed moves. Summary data will be presented within the Headteacher's report at each Governing Board meeting.

The Governing Board will review, challenge and evaluate the data on the school's use of suspension, exclusion, safeguarding separation, off-site direction to alternative provision, and managed moves. The Governing Board will:

- Closely scrutinise patterns of all pupil movement, including suspensions, permanent exclusions, off-site direction and managed moves
- Ensure these measures are only used as a last resort
- Review any use of separation from site for safeguarding purposes
- Challenge the school's leadership team to identify and address emerging trends
- Review instances where pupils receive repeat suspensions and interventions in place to support pupils at risk of suspension or permanent exclusion
- Consider 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

This policy will be reviewed every two years or sooner if there is a change to the statutory guidance.

Policy approval

This policy has been reviewed and approved in line with the LGS Policy framework agreed by the Governing Board in July 2023

Reviewed by	Headteacher	Date	September 2026
Approved by	Headteacher	Date	September 2026
Next Review	Headteacher / Deputy Headteacher	Date	July 2028

Appendix 1

Governing Board consideration of reinstatement

The Governing Board has a statutory responsibility to consider representations concerning suspensions and permanent exclusions and, in specified circumstances, to consider whether a suspended or permanently excluded student should be reinstated. In such cases, the Governing Board will normally delegate its functions in respect of suspensions and permanent exclusions to a hearings panel which consists of at least three governors.

All governors who serve on a panel must have received appropriate training to help them discharge their duties. A clerk/governance professional will also be appointed to support the panel. Detailed procedural requirements are set out in the current DfE statutory guidance and will be followed by the Governing Board.

Governors should not serve on the panel if they have personal knowledge of the student(s) involved in the suspension or permanent exclusion, or of the incident that led to that suspension or permanent exclusion that could affect their impartiality.

When the Governing Board must consider reinstatement

The Governing Board must consider and decide whether a student should be reinstated within 15 school days of receiving notice from the Headteacher where:

- the student has been permanently excluded;
- a suspension would bring the student's total number of school days of suspension to more than 15 in a term; or
- the suspension or permanent exclusion would result in the student missing a public examination or national curriculum test, where applicable.

Where an exclusion would result in the student missing a public examination or national curriculum test, the Governing Board will, so far as reasonably practicable, consider the case before the date of the examination or test.

Where a suspension would take the student's total number of suspended school days to more than five but not more than 15 in a term, and the parent makes representations, the Governing Board must consider and decide whether the student should be reinstated within 50 school days of receiving notice of the suspension. In the absence of any representation from the parents, the committee is not required to meet and cannot direct the reinstatement of the student.

Where a suspension does not bring the student's total number of suspended school days to more than five in a term, the Governing Board will consider any representations made by the parent but is not required to arrange a meeting and does not have the power to direct reinstatement.

Convening a governors' panel

The parents and the Headteacher will be invited to the panel meeting at a time and a place convenient to all the participants, within the statutory time limit. The student's social worker where the student has one and the relevant Virtual School Head where the student is looked after will also be invited.

Parents have the right to request that the meeting should be held via the use of remote access; this can only happen if the panel is satisfied that all participants have access to the necessary technology so that

the meeting can be conducted fairly and transparently. The parent and the school may each be accompanied by a friend or advisor.

The committee will ask for any representations, information regarding the student's needs, written evidence, including witness statements, in advance of the meeting and where possible, circulate relevant papers and details of those attending to all parties at least five school days before the meeting.

The Governing Board will make any reasonable adjustments necessary to support the attendance and effective participation of those involved. It will also identify appropriate steps to enable and encourage the student to attend and participate, taking account of their age and understanding, or to provide their views by another appropriate means if they do not attend.

As an academy, where requested by a parent, the Academy Trust may also agree to a representative of the local authority and/or the student's home local authority attending as an observer. Any such representative may make representations only with the consent of the Governing Board.

A clerk or governance professional should support the meeting and advise the Governing Board on the applicable procedure and statutory guidance.

The Governing Board need not postpone a meeting if a police investigation of a potential crime associated with the reason for the permanent exclusion is underway.

Conduct of the meeting

The meeting will be conducted fairly and transparently. All parties will have an appropriate opportunity to present relevant information, make representations and respond to the evidence being considered.

No party will be permitted to discuss the substance of the case alone with members of the Governing Board before, during or after the meeting.

When establishing the facts, the Governing Board will apply the civil standard of proof — the balance of probabilities. This means deciding whether it is more likely than not that a fact is true. The criminal standard of proof does not apply.

The Governing Board will consider:

- the interests and circumstances of the suspended or permanently excluded student;
- the interests of other students, staff and the wider school community;
- representations made by or on behalf of the parent or student, the Headteacher and, where relevant, the social worker and Virtual School Head;
- all relevant evidence available to it;
- the student's welfare and safeguarding and that of others;
- the Headteacher's legal duties, including duties under the Equality Act 2010 and Children and Families Act 2014; and
- whether the decision to suspend or permanently exclude was lawful, reasonable and procedurally fair.

During the meeting:

- The clerk will introduce all those present, and will explain the reason for the meeting and the powers held by the panel either to uphold a suspension or permanent exclusion or reinstate the student.
- The school representative, usually the Headteacher, will present the school's case and can be questioned by all the other parties.

- The parents will be asked to make their representations, and may be supported by a friend/advisor who helps present the parents' case.
- The other parties may question the parent and/or comment on what the family has said.
- The school sums up its case.
- The parents or their representative sum up their case.
- All the parties except the committee and the clerk/governance professional leave.

The Governing Board will not apply a predetermined assumption for or against reinstatement solely because of the type of misconduct involved.

Once all parties have had the opportunity to make their representations, they will withdraw while the Governing Board makes its decision. The clerk or governance professional may remain to advise on procedure, refer the panel to the evidence and notes of the meeting, and assist with accurately recording the decision, but will not take part in the decision itself.

Panel decision

Following its consideration, the Governing Board may:

- decline to reinstate the student; or
- direct the student's reinstatement, either immediately or on a specified date

The clerk may help the panel in making its decision by reference to notes taken, by reminding them of statutory procedures where relevant and by wording the decision letter afterwards.

In the case of suspension, it is possible that the suspension may already have expired and the student is back in school before the panel meets. In that case the panel will decide whether or not, based on the evidence submitted, they would have reinstated the student during the suspension. The outcome should be added to the student's record for future reference.

If the suspension is still operative, the panel can either uphold the suspension, which will have to run its course, or direct the student's reinstatement either immediately or on a named date.

Record of the meeting and notification

Clear minutes will be taken recording the evidence and representations considered and showing how the Governing Board reached its decision.

The outcome of the Governing Board's consideration will be recorded on the student's educational record.

Where the Governing Board has been legally required to consider reinstatement, its decision and the reasons for it will be communicated in writing and without delay to:

- the parent, or the student if aged 18 or over;
- the Headteacher;
- the local authority and, where appropriate, the student's home local authority;
- the student's social worker, where applicable; and
- the Virtual School Head where the student is looked after.

The reasons given will be sufficiently detailed to enable the parties to understand why the decision was reached. The current guidance expressly expects clear minutes and sufficiently detailed reasons.

The clerk will inform the parents and the Headteacher of the panel's decision in writing within one school day of the hearing, giving the reasons. The Governing Board must not attach any conditions to any direction they have given the Headteacher to reinstate the student.

Permanent exclusion — where the student is not reinstated

Where the Governing Board decides not to reinstate a permanently excluded student, the written notification will also explain:

- that the permanent exclusion remains in force;
- the right to apply for an Independent Review Panel;
- the statutory deadline for making an application;
- where and to whom the application should be sent;
- that any application should set out the grounds on which it is made, including, where appropriate, how the student's SEN are considered relevant to the permanent exclusion;
- the right to request that the Independent Review Panel is held remotely;
- the right to request the appointment of a SEN expert at no cost, whether or not the school has previously identified the student as having SEN;
- the role of the SEN expert;
- the right to be represented and to bring a friend; and
- the relevant routes for bringing a claim of discrimination under the Equality Act 2010.

The notification will also signpost parents or the student to appropriate sources of free and impartial information.