

School Suspensions and Permanent Exclusions Policy 2026-2028

All our policies are written to reflect, support and develop our ethos statement

"A community that cares about excellence, wonder and learning for life"
We provide a safe and exciting space where:

There is community

-  There is a strong, friendly and respectful spirit within the immediate and extended communities, supporting learning and progress of and for all pupils
-  There is a sense of belonging

There is care

-  Everyone focusses on valuing and developing the whole child, nurturing a happy and kind atmosphere where asking for help and listening is what we expect of each other
-  We understand our actions and nurture respect for each other and the environment

There is excellence

-  There is a strong sense of ambition and high academic achievement along with excellent personal progress built around quality first teaching and research informed learning
-  There is enrichment and high expectations beyond the curriculum

There is wonder

-  Every experience is more memorable than the last
-  Learning powers are nurtured and grow and grow
-  The implementation of the curriculum is rich, vibrant and creative

There is learning for life

-  There is an unstinting dedication to diversity and equality
-  There is motivation for the preservation of our environment and a thirst to become a conscientious contributor to making the world a better place
-  Pupils leave us with a thirst for knowledge and love of learning, autonomous and self-motivated, ready for their next stage and beyond

Legislation and Guidance

This policy is based on statutory guidance from the Department for Education: 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:

Approved by PW&C Committee

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- 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

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2024) 'Suspensions and permanent exclusions from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2016) 'Behaviour and discipline in schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'
- Wandsworth Guidance on School Exclusions 2020

This policy will be implemented in conjunction with the following school policies and procedures:

- Behaviour and Well-being Policy
- Anti-Bullying Policy
- Physical Intervention Policy
- Special Educational Needs and Disability (SEND) Policy and Information Report
- Sex and Relationships Policy
- Child Protection and Safeguarding Policy

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 roll. This is sometimes referred to as an 'exclusion'.

Off-site direction – when a pupil to attend another education setting temporarily, to improve their behaviour. This is not a sanction.

Parent – 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 and the admission authority for the new school, should consent before a managed move occurs.

Off-Rolling

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

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

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school

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The Vision

At **Honeywell Schools** we understand that good behaviour and discipline is essential for promoting a high-quality education. Amongst other disciplinary sanctions, the schools recognise that suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of our **Behaviour Policies**. Excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; **in all cases, excluding pupils will only be used as a means of last resort.**

Aims

This policy clearly defines the legal responsibilities of the Head Teachers, Governing Body and LA when responding to pupil exclusions, to ensure that they are dealt with both fairly and lawfully and in line with DfE statutory guidance. It also aims to secure a pupil's right to an education despite having been excluded, by ensuring that appropriate arrangements are in place.

Roles and Responsibilities

The Head Teacher's Power to suspend and exclude

Only a Head Teacher has the power to exclude a pupil from school and is able to decide whether this is on a fixed-period or permanent basis. All exclusions will only be issued on disciplinary grounds.

- Head Teachers may cancel an exclusion that has not been reviewed by the governing Body. This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion. If this occurs, parents and carers, the governing Body and the local authority should be notified, and if relevant, the social worker and VSH [Virtual School Head]. Further information of other actions that should take place after a suspension or permanent exclusion is cancelled is set out in paragraph 13 of the September 2024 guidance
- When Head Teachers suspend or permanently exclude a pupil they must, without delay, notify parents or carers. If a pupil has a social worker, or if a pupil is looked-after, the Head Teacher must now, also without delay after their decision, notify the social worker and/or VSH, as applicable
- When Head Teachers suspend or permanently exclude a pupil, they must also notify the local authority, without delay. This must be done regardless of the length of a suspension
- The Head Teacher is able to suspend pupils from the premises where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day
- The Head Teacher is able to consider a pupil's disruptive behaviour outside of the school premises as grounds for suspension, in accordance with the schools' Behaviour Policies
- Any decision made to suspend a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to a suspension or permanent exclusion and the school's wider legal duties, including the European convention of Human Rights
- All suspensions or permanent exclusions will be formally recorded on the pupil information system, Arbor
- When sending a pupil home following any suspension, the Head Teacher will ensure that they exercise their duty of care at all times and will always inform the parents or carers
- The Head Teacher will apply the civil standard of proof when responding to the facts relating to a suspension or permanent exclusion, i.e., that 'on the balance of probabilities' it is more likely than not that the facts are true
- At all times, the Head Teacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. religion, race, sex, disability and will not increase the severity of a pupil's suspension on these grounds
- The Head Teacher will not issue any 'informal' or 'unofficial' suspensions, such as sending a pupil home to 'cool-off',
- The Head Teacher will not use the threat of suspension a suspension or permanent exclusion as a means of instructing parents or carers to remove their child from the premises

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The Local Authority [Wandsworth]

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of a Looked After Child (LAC).
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing pupils' needs in consultation with their parents and carers where they have an Educational Health Care Plan (EHC) and are excluded permanently, with a view to identifying a new placement.
- Arranging for an independent review panel hearing to review the decision of the Governing Body not to reinstate a permanently excluded pupil where required.
- Arranging the hearing without delay at a time, date and venue convenient for all parties.
- Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories. [This is not statutory. Where not appointed, the responsibilities should be assumed by the LA.]
- Appointing a clerk to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

Local Authority Requirements [Wandsworth]

- When pupils are first identified as being at risk of exclusion, early intervention can be sought by contacting the Pupil Referral Unit [PRU] to discuss the possibility of a temporary dual registration to address behaviour concerns.
- Wandsworth do request that in all cases where consideration is being given to making a permanent exclusion decision, the Head Teacher contact the relevant Pupil Referral Unit for help and advice:
Victoria Drive Primary PRU
78 Victoria Drive
London SW19 6HR
Telephone: 020 8780 2360
- Where a permanent exclusion decision is being considered for a pupil with an Education, Health and Care Plan (EHCP), or under statutory assessment, the Head Teacher must contact Wandsworth's Special Needs Assessment Team for advice and to arrange an emergency review (if not already convened). Call SNAS on 020 8871 8061 and ask for the case manager who works with Honeywell.
- For Wandsworth resident pupils who have been permanently excluded, it is vital that the Pupil Services Team are informed within one day of this decision. The reason for this is that Pupil Services facilitate the pupil's referral for 6th day educational provision to the Pupil Referral Units. See Appendix 1 for flow diagram.

The Governing Body is responsible for:

- Providing information to the Secretary of State and LA about any suspensions or exclusions within the last 12 months
- Arranging suitable full-time education for any pupil of compulsory school age suspended on a fixed-term basis
- Considering parents or carers' representations about exclusions within 15 school days of receiving notice if the appropriate requirements are met
- Where a suspension or permanent exclusion would result in a pupil missing a public examination or test, considering the suspension before this date
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits
- Adhering to its responsibilities to consider the reinstatement of pupils

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- Considering the interests and circumstances of the suspended or excluded pupil, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the school
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or an exclusion
- Ensuring clear minutes are taken of the representation meeting
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference
- Notifying the pupil's parents or carers, the Head Teacher and LA of its decision and the reasons for it, without delay
- Where appropriate, informing parents or carers of where to apply for an independent review panel in the case of a permanent exclusion
- Informing parents of relevant sources of information
- Ensuring a pupil's name is removed from the school admissions register, where appropriate
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the exclusions review panel.
- Making reasonable efforts to circulate copies of relevant papers at least five school days before the review to all parties
- Giving all parties details of those attending and their role, once the position is clear
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel

The Governing Body may delegate its functions with respect to the consideration of an exclusion to a designated sub-committee consisting of at least three governors. This can be referred to as a disciplinary committee or exclusions panel. This sub-committee would only be organised in the case of an exclusion.

The Head Teacher Is Responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions or permanent exclusions
- Complying with their statutory duties in relation to pupils with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disability (SEND) Policy
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, bullying or has a mental health issue
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour
- Reviewing the effectiveness of suspensions or exclusions as a sanction, e.g. if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, eligible for Pupil Premium Grant, LAC and those from certain ethnic groups
- Engaging effectively with parents and carers in supporting the behaviour of pupils with additional needs
- Determining whether a pupil will be suspended on disciplinary grounds
- Withdrawing any suspensions that have not been reviewed by the Governing Body, where appropriate
- Ensuring any decision to exclude is lawful, rational, reasonable, fair and proportionate
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or permanently exclude a pupil
- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension or exclusion
- Making the decision to suspend based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings
- Notifying a pupil's parents or carers without delay where the decision is taken to exclude the pupil, including the days on which the parents or carers must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required
- Ensuring that all information provided to parents or carers is clear and easily understood

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- Notifying the Governing Body and LA of their decision to suspend or exclude a pupil where appropriate, as well as the pupil's home authority if required
- Notifying the Governing Body once per term of any suspensions or exclusions not already notified
- Organising suitable work for suspended pupils where alternative provision cannot be arranged

Grounds for Suspension

The school will only suspend a pupil where it is absolutely necessary and where all other possible disciplinary sanctions, as detailed in the schools' Behaviour Policies, have failed to be successful. The following examples of behaviour may underline the school's decision to exclude a pupil:

- Any incident which poses a risk to other pupils or members of staff, e.g. bringing a weapon onto the premises
- Any incidents which breach the law
- Persistent and severe bullying
- Verbal and physical abuse
- Constant disruption
- A single, serious and major incident, e.g. serious assault on another individual leading to injury

Pupils can be suspended on a fixed-period basis, i.e. up to 45 school days within a year, or excluded permanently. Similarly, pupils can be permanently excluded following a fixed-period suspension, where further evidence is presented.

In all cases, the Head Teacher will decide which exclusion period a pupil will be subject to, depending on what the circumstances warrant.

Factors to Consider When Excluding a Pupil

When considering the exclusion of a pupil, the Head Teacher will:

- Allow the pupil the opportunity to present their case
- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying
- Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour

The Head Teacher will consider what extra support may be available for vulnerable pupil groups whose exclusion rates are higher, to reduce their risk of exclusion, including the following:

- LAC
- Pupils eligible for FSM
- Pupils with SEND
- Certain ethnic groups

The Head Teacher will consider avoiding permanently excluding LAC pupils, those with SEMH issues or pupils with an EHC Plan [EHCP].

Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Head Teacher who will instigate a multi-agency assessment to determine whether the behavioural issues might be as a result of educational, mental health or other needs and vulnerabilities.

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Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the schools' Behaviour Policies. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then exclusion may be considered.

In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be suspended or permanently excluded before the graduated response process has been completed. Where a pupil with SEND or SEMH issues is permanently excluded because of a SEND or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these pupils are closely tracked and show that the school has a close relationship with the pupil's next destination.

The Head Teacher will work in conjunction with the parents or carers of any pupil with additional needs, to establish the most effective support mechanisms.

Duty to Inform Parents or Carers

Following the Head Teacher's decision to suspend or permanently exclude a pupil, they will immediately inform the parents or carers, in person or by telephone, of the period of the exclusion and the reasons behind this.

The Headteacher will inform parents or carers in writing of the following:

- The reason(s) for the suspension or permanent exclusion
- The length of the fixed-period suspension or, for a permanent exclusion
- Their right to raise any representations about the suspension or permanent exclusion to the Governing Body, including how the pupil will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the Governing Body to consider the suspension or permanent exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
- Relevant sources of free, impartial information

Where the pupil is of compulsory school age, the Head Teacher will inform the parents or carers by the end of the afternoon session that:

- For the first five days of the suspension (or until the start date of any alternative provision or the end of the suspension where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents or carers may receive a penalty fine if they fail to do so.

Where the Head Teacher has arranged alternative provision, they will also inform the parents or carers of the following:

- The start and end date for any provision of full-time education
- The address at which the provision will take place
- Any information necessary for the pupil to identify the person they should report to on the starting date

Where the Head Teacher is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision.

If the alternative provision is due to begin before the sixth day of the suspension or permanent exclusion, the Head Teacher is able to give less than 48 hours of notice, with parental consent.

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If the Head Teacher has decided to exclude the pupil for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents or carers without delay and issue a new notice to parents or carers.

Duty to Inform the Governing Body and LA

The Head Teacher will inform the Governing Body and LA, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the pupil)
- Any suspensions which would result in the pupil being suspended for more than five school days in a term (or more than 10 lunchtimes)
- Any suspensions which would result in the pupil being absent from an examination or national curriculum test

For any suspensions, other than those above, the Head Teacher will notify the Governing Body and LA once per term. All notifications to the Governing Body and LA will include the reasons for suspension and the duration of any suspension. If the pupil who is suspended lives outside the LA in which the school is located, the Head Teacher will notify the pupil's 'home authority'.

Arranging Education for Suspended Pupils

For any suspension of more than five school days, the Governing Body will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of suspension. Where a pupil receives consecutive suspensions, these will be regarded as cumulative and full-time education will still have to be provided from the sixth day of suspension. If appropriate, the education provided could be provided in a remote form through Seesaw or Google Classroom. The pupil would be offered a device if needed and the work provided would replicate a school day.

For permanent exclusions, full-time education will also be provided for the pupil from the sixth day of exclusion.

If a pupil with SEND has been excluded, the Governing Body will ensure that:

- Any alternative provision is arranged in consultation with the pupil's parents or carers, who are able to request preferences.
- When identifying alternative provision, any EHC plan is reviewed/the pupil's needs are reassessed, also in consultation with the pupil's parents or carers.

Considering Exclusions

The Governing Body will consider any representations made by parents or carers in regard to exclusions. Parents or carers and, where requested, a friend or representative, the Head Teacher and a member of the LA will be invited to attend any consideration of exclusions and will be able to make representations.

Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits. The Governing Body will consider the reinstatement of an excluded pupil, where:

- The exclusion is permanent
- The suspension is fixed-period and would bring the pupil's total number of suspended school days to more than 15 in any given term
- The suspension or exclusion would result in the pupil missing a public examination

In the case of a suspension where the pupil's total number of excluded days is more than five but less than 15 school days within a term, if requested by the parents or carers, the Governing Body will consider exclusions within 50 school days of receiving notification.

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In the case of a suspension, where the pupil's total number of suspended school days does not amount to more than five, in the absence of any such representations, the Governing Body is not required to meet and cannot direct the reinstatement of the pupil. Where suspension would result in a pupil missing a public examination, the Governing Body will consider the suspension before the test to decide whether the pupil should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of governors to consider the decision before the examination, the chair of governors will consider the suspension alone and decide whether or not to reinstate the pupil. In light of the above, the Governing Body will also consider whether it would be appropriate to allow the suspended pupil to enter the premises to take the examination.

When considering the reinstatement of a suspended or excluded pupil, the Governing Body will:

- Only discuss the suspension or exclusion with the parties present at the meeting
- Ask for any written evidence prior to the meeting
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow pupils and parents or carers to be accompanied by a person of their choice at the meeting
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting
- Identify the steps needed to enable and encourage the suspended or excluded pupil to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible
- Consider the interests and circumstances of the suspended or excluded pupil, including the grounds for suspension or exclusion.

Reaching a Decision

After considering suspensions or exclusions, the Governing Body will either:

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

If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a suspension exclusion or the parents or carers make clear they do not want their child reinstated, the Governing Body will still consider whether the pupil should be officially reinstated, and whether the Head Teacher's decision to suspend or exclude the pupil was fair, lawful and proportionate, based on the evidence presented. The Governing Body will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, it is more likely than not that the facts are true.

To reach a decision, the Governing Body will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered
- Ask all parties to withdraw from the meeting before concluding their decision
- Consider whether the suspension or exclusion of the pupil was lawful, proportionate and fair, taking into account the Head Teacher's legal duties and any evidence that was presented to the Governing Body in relation to the decision to suspend or exclude
- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months
- Make a note of their findings, where they have considered an exclusion but cannot reinstate the pupil.

Notification of Considered Exclusions

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The Governing Body will notify the parents or carers of the suspended or excluded pupil, the Head Teacher and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay. In the case of a permanent exclusion, where the Governing Body decides not to reinstate the pupil, they will notify the parents or carers:

- That it is permanent, and their right for it to be reviewed by an independent review panel
- Of the date by which an application for review must be made
- Of the name and address of whom the review application should be submitted to
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND are considered relevant to the suspension or exclusion
- That, regardless of whether a pupil has been identified as having SEND, the parents or carers have a right to require the Governing Body to ensure a SEND expert attends the review
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this
- That they are required to make it clear if they wish for a SEND expert to attend the review
- That they may appoint someone at their own expense to make representations to the panel

The Governing Body will also notify parents that, if they believe an exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place. After any conclusion, the Governing Body will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

Removing Permanently Excluded Pupils from the School Register

The Head Teacher will remove pupils from the school register if:

- 15 school days have passed since the parents were notified of the Governing Body's decision not to reinstate the pupil and no application for an independent panel review has been received.
- The parents have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.

If an application for an independent panel review has been made within 15 school days, the Head Teacher will wait until the review has been determined, or abandoned, and until the Governing Body has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register. If a pupil's name is to be removed from the register, the Head Teacher will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the pupil normally resides.
- The grounds upon which the pupil's name is to be removed from the register.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed. If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court. Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

Independent Review Panel

The LA will review the Governing Body's decision not to reinstate a permanently excluded pupil, if the parents submit their application for this within the required time frame. The LA will constitute an independent review panel of three or five members that represent the following categories:

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity.

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- A current or former school governor who has served for at least 12 consecutive months in the last five years.
- A Head Teacher or individual who has been a Head Teacher within the last five years.

Parents are required to submit their applications within:

- 15 school days of the Governing Body's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of this timeframe will not be reviewed. Parents are able to request an independent panel review even if they did not make a case to, or attend, the Governing Body's initial consideration of the exclusion. The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Exclusion from maintained schools, academies and pupil referral units in England' 2017.

Appointing A SEND Expert

If requested by parents or carers in their application for an independent review panel, the LA will appoint a SEND expert to attend the panel and cover the associated costs of this appointment. The LA will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

Parents or carers have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND. Individuals will not serve as a SEND expert if they have, or at any time have had, any connection with the LA, school, parents or carers or pupil, or the incident leading to the suspension or exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the LA.

The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals might include educational psychologists; specialist SEND teachers; SENCOs; and behaviour support teachers. Recently retired individuals are not precluded from fulfilling this role; however, the LA will, during interview, assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the LA, they will not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The LA will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

The final decision on the appointment of a SEND expert is for the LA to make, but it will take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents a choice of SEND expert. In order to meet its duties within the statutory time frame, the LA will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request. The LA will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

The Role of A SEND Expert

The SEND expert's role is analogous to an expert witness, providing (orally and/or written) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the pupil's SEND.

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The focus of the SEND expert's advice will be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the pupil's exclusion.

Where the school does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

The SEND expert will not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

Appointing a Clerk

The LA will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel. [Where a clerk is appointed] The LA will ensure that the clerk did not serve as clerk to the Governing Body when the decision was made not to reinstate the pupil.

The Role of a Clerk

The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions. The clerk will:

- Identify, in advance of the meeting, whether the excluded pupil wishes to attend the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance.
- Identify, in advance of the meeting, whether any alleged victims of the incident(s) leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.
- Ensure that the panel is able to hear from any witnesses to the incident(s) leading to the exclusion, taking into account the fact that some of these people may be pupils at the school (Pupils under 18-years-old will not be allowed to appear in person without parental consent).
- Inform the parents, Head Teacher, Governing Body and the LA that they are entitled to: make oral and written representations to the panel; attend the hearing; and be represented.
- Ensure that all parties are:
 - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
 - Informed about who is attending the meeting, and what their roles are.
- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel. Where a clerk is not appointed, the LA will undertake the functions outlined.

The Duties of Independent Review Panel Members in the Conduct of a Review Panel

The role of the panel is to review the Governing Body's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'. Following the review, the panel will do one of the following:

- Uphold the decision.
- Recommend that the Governing Body reconsider reinstatement.
- Quash the decision and direct that the Governing Body reconsider reinstatement.

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The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents, the Governing Body, Head Teacher and the LA.

Reconsidering Reinstatement Following a Review

Where the independent review panel instructs the Governing Body to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision. The school is aware that if the Governing Body does not offer to reinstate the pupil, then a £4,000 adjustment will be made to the school's budget.

If, following reconsideration, the Governing Body offers to reinstate the pupil but the parents decline, no adjustment will be made to the school's budget. Following reconsideration, the Governing Body will notify the parents, the Head Teacher and the LA of their reconsidered decision and the reasons for this.

Criminal Investigations

The Head Teacher will not postpone taking a decision to suspend or exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place. The Head Teacher will give particular consideration when deciding to suspend or exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the Governing Body is required to consider the Head Teacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

Training Requirements

The LA will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review. Training will cover:

- The requirements of the legislation, regulations and statutory guidance governing exclusions.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair of a review panel.
- The role of the clerk to a review panel.
- The duties of Head Teachers, Governing Bodies and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act.

Clerks will also have an up-to-date understanding on developments in case law which are relevant to exclusion.

Record keeping

All information collected in relation to this policy will be stored in accordance with our Privacy Policy and will not be shared with third parties.

Review

This policy will be reviewed on an annual basis by the Head Teacher in conjunction with the Governing Body and the Pupil Welfare and Community Committee with a detailed review every two years, or earlier if necessary. All members of staff are required to familiarise themselves with this policy as part of their induction programme.

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Appendix 1

Wandsworth guidance for when a permanent exclusion has been made:

