



Suspension and Exclusion Policy

Date: Summer 2026

Review date: Spring 2027



Little Bears @ Brierley

SUSPENSION AND EXCLUSION POLICY

Nurture, Aspire, Believe, Achieve

At Brierley we are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

At Brierley we aim to:

- Ensure that the exclusions process is applied fairly and consistently;
- Help governors, staff, parents and pupils understand the exclusions process;
- Ensure that pupils in school are safe and happy;
- Ensure all suspensions and permanent exclusions are carried out lawfully.

The Governing Body recognises that it is unlawful to take into account anyone's gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age, or sexual orientation. Full consideration has been given to this during the formulation of this policy. It is the Governors' aim that no one at Brierley Primary School should suffer discrimination, either directly or indirectly, or harassment on any of these grounds.

When considering suspension or permanent exclusion, the school has a statutory duty to make arrangements for safeguarding and promoting the welfare of its pupils. This includes having regard to guidance issued by the Secretary of State, including Keeping Children Safe in Education (KCSiE) and cooperating with safeguarding agencies.

The school is also responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct.

Brierley Primary School is committed to valuing diversity and to equality of opportunity. We aim to create and promote an environment in which pupils, parents and staff are treated fairly and with respect, and feel able to contribute to the best of their abilities.

Partnership with Parents

Parents working in partnership to consistently reinforce the school's expectations is an important factor in every child's success. At Brierley Primary School, we work in partnership with parents to ensure that expectations are clear and parents can reinforce them with their children. This includes ensuring that parents are kept informed about decisions made in response to a child's conduct so that we can work together in the best interests of pupils to ensure expectations for behaviour are made clear.

Supporting Pupils to Succeed

Brierley Primary School is an inclusive school and as such aims to include, not exclude, pupils exhibiting challenging behaviours in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate behaviour, and we strive not to "give up" easily on a child, as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this.

At Brierley Primary School, staff and leaders use behaviour data to analyse patterns of challenging behaviour. Where patterns emerge we will systematically intervene, drawing up an action plan with the agreement and collaboration of the child, parent and teacher. It is the responsibility of the class teacher, parents and the child to ensure that any action plan is followed.

No suspension or exclusion will be initiated without first attempting other strategies or, in the case of a serious single incident, a proper investigation.

Off-Rolling

Our school is 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, contained in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, 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.

Legislation and Statutory 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 - from September 2023.

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.

Definitions

Withdrawal is when a pupil is removed from their usual class for a fixed period of time. The pupil will be taught in a different area of the school such as in an alternative classroom. A withdrawal is a discretionary measure, where a pupil's behaviour is escalating and more serious measures need to be taken but there are not yet grounds for suspension. Typically, a child receiving a consequence of this level should be receiving additional support for their behaviour, intended to help them to avoid their behaviour escalating to a point where a suspension is necessary (examples: behaviour chart to address specific behaviours causing a problem; support from the ELSA etc).

Suspension is when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'. This is where a pupil is temporarily removed from school for one or more fixed periods (up to a maximum of 45 days in any school year). It is a clear signal that behaviour is unacceptable. Where suspension may be regular, this will indicate that additional strategies will need to be employed. A suspension may be for parts of the school day. In exceptional cases, usually where further evidence has come to light, a suspension may be extended or a permanent exclusion may be issued at the end of the suspension.

During the first 5 days of suspension, work will be set and marked. If a child is excluded at the end of the school day, then it may not be possible to arrange for work to be set until the following morning.

The School's legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Suspension should be for the shortest time necessary to ensure minimal disruption to the pupil's education, whilst mindful of the seriousness of the breach of policy.

For a suspension of more than five school days, the Governing Body must arrange suitable full-time education for any pupil of compulsory school age (for example; home tutoring, a pupil referral unit or online studies). This provision must begin no later than the sixth day of the exclusion.

Permanent exclusion - when a pupil is removed from the school permanently and taken off the school roll. A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently will only be taken in response to a serious breach or persistent breaches of the school's behaviour policy and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others, such as staff or pupils in the school.

For any permanent exclusion, the Headteacher will take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) will be undertaken.

The Local Authority will arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion. For a looked after child (LAC) pupil or those with a social worker, the school will work with the local authority (LA) to find suitable provision from the first day.

Where a pupil has an Early Help and Care Plan (EHCP), the Local Authority must ensure that an appropriate full time placement is identified in consultation with the parents/carers, who retain their rights to express a preference for a school that they wish their pupil to attend, or make representations for a placement in any other school.

Off-site direction – Direction off-site is when the Governing Body requires a pupil to attend another education setting to improve their behaviour. Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction may be used to arrange time-limited placements at alternative provision (such as a Pupil Referral Unit (PRU)) or another mainstream school.

During the direction off-site to another school, pupils will be dual registered. Parental consent is not required for a school to direct a pupil offsite under this provision. However, any such decision will be made on a basis of collaboration with parents and the LA. If alternative provision is being arranged, parents will be informed of:

- the start date for any provision of full-time education that has been arranged for the child during the exclusion;
- 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 required by the pupil to identify the person they should report to on the first day.

The objective of this particular power to direct a pupil off-site is to improve the pupil's behaviour and therefore it may be used when a pupil is at risk of permanent exclusion or has been suspended more than once. It cannot be used because the school is unable to meet the pupil's educational needs, medical needs, special educational needs etc.

Depending on the individual needs and circumstances of the pupil, direction off-site into alternative provision can be full-time or a combination of part-time support in alternative provision and continued

mainstream education. A proposed maximum period of time will be discussed and agreed upon as part of the planning phase for direction off-site. As part of planning, alternative options should be considered once the time limit has been reached, including a managed move on a permanent basis upon review of the time-limited placement.

Managed Move is 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. In cases where the Headteacher and parents agree that the progress of the pupil has been unsatisfactory and the pupil is unwilling or unable to profit from the educational opportunities offered, the Headteacher may consult with the Local Authority and propose a managed move to another school.

This may also be considered if a parent's failure to engage in strategies implemented by the school are resulting in a continuing pattern of poor behaviour or lack of improvement in behaviour. In such cases the Headteacher may assist the parents in placing the pupil in another school.

Removal from School for Other Reasons

The Headteacher may send a pupil home, after consultation with that pupil's parents and a health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils or staff, for example because of a diagnosed illness such as a notifiable disease. This is not an exclusion and should be for the shortest possible time. A pupil cannot be 'sent home' for other reasons, including poor behaviour.

Roles and Responsibilities

The Headteacher

Deciding Whether to Suspend or Exclude

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

A decision to suspend or 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 were provoked;
- Allow the pupil to give their version of events;
- Consider whether the pupil has special educational needs (SEND);
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC));
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves.

The 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 or social worker.

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

Examples Where Suspension or Permanent Exclusion May be Used

A decision to suspend or exclude a pupil will usually follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies.

The list below is not definitive but it provides guidance as to the type of offences which may give rise to a suspension or exclusion:

- Serious actual or threatened violence against another pupil or an adult;
- Possession or use of an illegal drug on school premises;
- Persistent bullying;
- Persistent prejudice-based harassment or hate-based acts;
- Serious breach of school rules or policies including physical assault against a pupil or an adult;
- Verbal abuse or threatening behaviour against a pupil or adult including racist abuse, sexual orientation abuse;
- Abuse relating to disability;
- Use or threat of use of an offensive weapon;
- Persistently poor behaviour, persistent breaches of the school's Behaviour Policy or a serious single incident.
- If allowing the pupil to remain in school would seriously harm the education or welfare of others.

It is also important to understand that a pupil's behaviour outside of school e.g. on school trips, at sports events, etc., is subject to the school's Behaviour Policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school and additionally this includes any serious breach of policy which could 'bring the school into disrepute'. Therefore, suspension or permanent exclusion are sanctions that still can be used for breaches of discipline off-site.

Withdrawal may be used in response to poor behaviour which breaches school rules and policies. In the most serious cases, where the problem persists and there is no improvement, a suspension or permanent exclusion may be necessary.

These would be imposed only when the school had already offered and implemented a range of support and management strategies. These could be joint action plans with parents, child and school, behaviour intervention, target setting, home/ school communication book etc.

The length of a suspension will depend upon a number of factors, such as the severity of the incident, and the likely impact on the child's learning and ability to succeed on returning to School. Such decisions will be made in the best interests of the child, whilst also mindful of the need to maintain order and reinforce the rules and expectations of the school in a clear and consistent way.

The Governing Body must comply with the statutory duties in relation to pupils with Special Educational Need (SEN) when administering the exclusion process, including using their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN and having regard to the Special Educational Need and Disability (SEND) Code of Practice.

Other considerations will include:

- Whether the student is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Whether all alternative solutions have been explored, such as off-site direction or managed moves

Informing parents: If a pupil is at risk of suspension or exclusion

The Headteacher will inform the parents 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.

If the Headteacher decides to suspend or exclude a pupil, the parents 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 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' right to make representations about the suspension or permanent exclusion to the Governing Body and, where the pupil is attending alongside parents, how they may be involved in this;
- How any representations should be made;
- Where there is a legal requirement for the Governing Body to hold a meeting to consider the reinstatement of a pupil, and that parents have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend;
- That parents have the right to request that the meetings be held remotely, and how and to whom they should make this request.

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. This will include specifying on which days this duty applies;
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this

If alternative provision is being arranged, the following information will be included, if possible:

- The start date for any provision of full-time education that has been arranged;
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant;
- The address at which the provision will take place;
- Any information the pupil needs in order to identify the person they should report to on the first day.

If the 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, the information can be provided at a later date, without delay and no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

If the Headteacher cancels the suspension or permanent exclusion, parents will be notified without delay, along with a reason for the cancellation. Parents may be asked to collect their child during the day. However, an exclusion will not be enforced if by doing it puts the safety of the pupil at risk. In cases where parents will not comply for example, refusing to collect the child - the child's welfare is the priority. In this situation, depending on the reason for exclusion, the school may consider an internal withdrawal until the end of the day, implementing the original exclusion decision from the time the child is collected from school, or, in more severe circumstances the school may contact Social Services and/or the Police to safely take the pupil off-site.

Informing the Governing Body

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

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil;
- Any suspension or permanent exclusion which 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 which 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 Informing the Local Authority (LA);

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

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 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.

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

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

The social worker/VSH will be invited to any meeting of the Governing Body about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances that 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.

Cancelling Suspensions and Permanent Exclusions

The 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, Governing Body and LA will be notified without delay;
- Where relevant, any social worker and VSH will be notified without delay;
- The notification must provide the reason for the cancellation;
- The Governing Body'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 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.

Providing Education During the First 5 days of a Suspension or Permanent Exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative provision (AP), the Headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways may be used for this. If the pupil 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.

Pupils with Disabilities and Special Educational Needs (SEND) including those with Education, Health and Care plans (EHCP)

There are certain factors that will be taken into consideration for pupils who display disruptive behaviour that is as a result of their Special Educational Need (SEND). We will engage proactively with parents/carers in supporting the behaviour of pupils with additional needs. Early intervention to address underlying causes of disruptive behaviour will include:

- An assessment of whether appropriate provision is in place to support any SEND or disability that a pupil may have.
- The Headteacher will also consider the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour.
- The Headteacher and Governing Body must take account of their statutory duties in relation to SEND when administering the exclusion process. This includes having regard to the SEND Code of Practice.

Where there are concerns about the behaviour, or risk of exclusion, of a pupil with additional needs and/or with an Educational Health Care Plan (EHCP), the school will, in partnership with others (including the Local Authority), consider what additional support or alternative placement may be required. The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as disability.

The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can, in principle, apply both to the suspensions and permanent exclusions process and to the disciplinary sanctions imposed. Under the Children and Families Act 2014, the Governing Body must use its 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN.

Where a pupil has an EHCP, we will contact the Local Authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude. For those with SEN but without an EHCP, the school will review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required.

This may provide a point for schools to request an EHCP assessment or a review of the pupil's current package of support.

The Governing Body

Considering Suspensions and Permanent Exclusions

Responsibilities regarding suspensions and permanent exclusions are delegated to a Discipline Committee of the Governing Body consisting of at least 3 governors.

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

Within 14 days of receiving a request, the Governing Body will provide the Secretary of State and the LA with information about any suspensions or exclusions within the last 12 months.

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

Monitoring and Analysing Suspensions and Exclusions Data

The Governing Body 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 Governing Body 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;
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working;
- The characteristics of suspended and permanently excluded pupils, and why this is taking place;
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting;
- The cost implications of directing pupils off-site.

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.

Considering the Reinstatement of a Pupil

The Governing Board Discipline 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 which would bring the pupil's total number of days out of school to more than 15 in a term;
- 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 Discipline Committee must consider any representations made by parents. However, it is not required to arrange a meeting with parents 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 make representations to the Governing Body, its Discipline 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 do not make representations, the Governing Body is not required to meet and it cannot direct the Headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National

Curriculum test, the Discipline Committee will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the Chair of the Governing Body (or the vice-chair, if necessary) 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 Governing Body and allowed to make representations or share information:

- Parents, (and, where requested, a representative or friend). Any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to Special Educational Needs), along with a list of attendees will be circulated at least 5 days prior to the meeting;
- The pupil and it would be appropriate to their age and understanding (and, where requested, a representative or friend);
- The Headteacher;
- The pupil's social worker, if they have one;
- The VSH, if the pupil is looked after;
- A representative of the LA.

Governing Body meetings can be held remotely at the request of parents.

The Governing Body will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits. The Governing Body will consider the interests and circumstances of the excluded child, along with the circumstances in which the child was excluded. When making any decisions they will also have regard to the interest of the other pupils and staff working at the school. The Governing Body will look at the facts in relation to the exclusions and reach a decision on whether or not to reinstate the pupil considering whether the decision to exclude is lawful, reasonable, proportionate and procedurally fair, taking into account the Headteacher's legal duties.

The Governing Body 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 Governing Body 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 Governing Body.

They will decide whether or not a fact is true 'on the balance of probabilities'. The clerk 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 Governing Body will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents;
- The 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 Governing Body 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' right to ask for the decision to be reviewed by an Independent Review Panel,
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents);
- The name and address to which an application for a review and any written evidence should be submitted;
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion;
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to advise the Review Panel;
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment;
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review;
- That parents may, at their own expense, appoint someone to make written and/or oral representations;
- That, if parents 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.

Independent review

If parents apply for an independent review within the legal timeframe, the LA will, at their own expense, arrange for an independent panel to review the decision of the governing board 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 by the Discipline 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.

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 LA 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 LA or the Governing Body, 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 LA, School, Governing Body, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality;
- Have not had the required training within the last 2 years.

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 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 social worker 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 Governing Body's decision;
- Recommend that the Governing Body reconsiders reinstatement;
- Quash the Governing Body'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 governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

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

School Registers

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

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

Where an application for an independent review has been made within 15 school days, the Governing Body 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 has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

Making a return to the LA

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

- The pupil's full name;
- The full name and address of any parent with whom the pupil normally resides;
- At least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency;
- The grounds upon which their name is to be deleted from the admissions register (i.e. permanent exclusion);
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school;
- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house.

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.

Returning from a suspension

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:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school;
- Daily contact in school with a designated teacher;
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage;
- Informing the pupil, parents and staff of potential external support.

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, and other relevant parties.

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, a member of senior staff, and any other relevant staff will be invited to attend the meeting. The meeting can proceed without the parents in the event that they cannot or do not

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

Remote access to meetings

Parents can request that a governing board meeting, or independent review panel be held remotely. If the parents 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. The Governing Body and the LA will 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 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.

Monitoring arrangements

The school will collect data on the following:

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

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.

DfE REFERENCES

This policy is written in accordance with, and has due regard to, the following statutory guidance and legislation:

Department for Education: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (September 2023)

Education Act 2002 (as amended by the Education Act 2011)

Education and Inspections Act 2006

School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

Equality Act 2010

Children and Families Act 2014

Department for Education: Keeping Children Safe in Education (KCSiE) (current version)

EQUALITY AND INCLUSION

Brierley Primary School recognises its duties under the Equality Act 2010 and is committed to ensuring that all pupils are treated fairly and without discrimination.

The school will ensure that decisions regarding suspension and permanent exclusion are lawful, reasonable, proportionate, and fair, and do not discriminate against pupils on the basis of protected characteristics, including disability.

In line with statutory guidance, the school will give particular consideration to the needs of vulnerable pupils, including those with special educational needs and/or disabilities (SEND), those with an Education, Health and Care Plan (EHCP), looked-after children (LAC), and pupils with a social worker. Reasonable adjustments will be made where appropriate to support pupils and prevent discrimination.

DATA PROTECTION

All information relating to suspensions and permanent exclusions will be handled in accordance with the school's Data Protection Policy, the UK General Data Protection Regulation (UK GDPR), and the Data Protection Act 2018.

Records relating to exclusions will be:

- Stored securely;
- Retained in line with statutory requirements;
- Shared only with relevant parties, such as the Local Authority, Governing Body, and other agencies, where lawful and necessary.

The school will ensure that personal data is processed fairly, lawfully, and transparently in all matters relating to pupil discipline.

GOVERNOR REVIEW AND MONITORING

The Governing Board holds overall responsibility for ensuring that this policy is implemented effectively. This policy will be reviewed annually or sooner if statutory guidance changes.

Chair of Governors	Ratified	Review
Mike Birchall 	Summer 2026	Spring 2027