Department
for Education

Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement

Statutory guidance for maintained schools, academies and pupil referral units in England

July 2026

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Part one: Summary

Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education. The government recognises that school exclusions, managed moves and off-site direction are essential behaviour management tools for headteachers and can be used to establish high standards of behaviour in schools and maintain the safety of school communities.

For the vast majority of pupils, suspensions[1] and permanent exclusions may not be necessary, as other strategies can manage their behaviour. Where approaches to behaviour management have been exhausted, then suspension may sometimes be necessary, with permanent exclusion only to be used as a last resort. This is to ensure that other pupils and teaching staff can work in safety and are respected.

Schools and local authorities should not adopt a 'no exclusion' policy as an end in itself. This can lead to perverse incentives for schools and in some cases, a 'no exclusion' policy can present safeguarding issues and expose staff and pupils to unreasonable risks. Instead, schools and local authorities should work to create environments where school exclusions are not necessary because pupil behaviour does not require it.

This guidance has been updated to be a companion piece to the Behaviour in Schools guidance, which provides advice to headteachers and school staff on implementing a behaviour policy which creates a school culture with high expectations of behaviour. This means that this guidance should only be necessary when strategies, practices and interventions set out within the Behaviour in Schools guidance have not been successful in improving a pupil's behaviour and the use of more significant interventions or sanctions are required.

This document provides a guide to the legislation that governs the suspension and permanent exclusion of pupils[2] from all maintained schools (including special schools), pupil referral units (PRUs), academy schools (including free schools, special schools, studio schools and university technology colleges) and alternative provision academies (including alternative provision free schools) in England. It also includes the use of behavioural strategies such as directing pupils off-site to improve their behaviour and managed moves to help prevent a suspension or permanent exclusion.
The document also provides statutory guidance[3] to which headteachers, governing boards, local authorities, academy trusts, independent review panel (IRP) members and

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[1] The term suspension is a reference to what is described in the legislation as an exclusion for a fixed period.

[2] A pupil is a person for whom education is provided at a school (section 3 of the Education Act 1996). There are three exceptions: A) if the person is aged 19+ and the education being provided for them at the school is further education. B) If the education being provided for the person is part-time education suitable to the requirements of people who are over compulsory school age. C) If the school is a maintained school and the education being provided for the person is being provided under section 27 of the Education Act 2002.

[3] The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

special educational needs (SEN) experts, social workers and Virtual School Heads (VSHs) must have regard when carrying out their functions in relation to suspensions and permanent exclusions.

Clerks to IRPs must also be well versed in this guidance.

Where relevant, this document refers to other guidance in areas such as behaviour, safeguarding, SEN and equalities law, but is not intended to provide detailed guidance on these issues.

This advice should not be read in isolation. It is important for schools to consider the following guidance: Behaviour in Schools guidance; Keeping Children Safe in Education; Working together to improve school attendance; Mental health and behaviour in schools; and other relevant advice and guidance as part of their approach to using school suspensions and permanent exclusions well. Links to relevant supplementary guidance can be found at Annex B: Further information.

This guidance should not be taken as a complete or definitive statement of the law nor as a substitute for the relevant legislation. Legal advice should be sought as appropriate.

This document replaces the version published in 2024 for schools in England.

Legislation this publication refers to:

- the Education Act 2002, as amended by the Education Act 2011
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- the Education and Inspections Act 2006
- the Education Act 1996
- 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 and as modified and amended by the Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026

Duties under the Education and Inspections Act 2006

Under the Education and Inspections Act 2006, headteachers of maintained schools and pupil referral units must determine measures to be taken[4] with a view to:

- promoting self discipline and proper regard for authority among pupils
- encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils
- securing that the standard of behaviour of pupils is acceptable
- securing that pupils complete any tasks reasonably assigned to them in connection with their education
- otherwise regulating the conduct of pupils

Permanent exclusions can be used to help achieve these aims when they are absolutely necessary, as a last resort.

Duties under the Equality Act 2010 and Children and Families Act 2014

Under the Equality Act 2010 (the Equality Act) and the Equality Act 2010: advice for schools - GOV.UK (www.gov.uk), schools must not discriminate against, harass, or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage, and the provision of auxiliary aids and services. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not
- foster good relations between people who share a relevant protected characteristic and people who do not share it

[4] Section 89 of the Education and Inspections Act 2006.

The ‘relevant protected characteristics’ in this context are the characteristics mentioned above. Age is also a relevant protected characteristic, but not when carrying out a function which provides education, benefits, facilities, or services to pupils.

These duties need to be complied with when deciding whether to exclude a pupil. Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory.

The governing board must also comply with their statutory duties in relation to pupils with SEN when administering the exclusion process, including (in the case of the governing board of relevant settings[5]) using their ‘best endeavours’ to ensure the appropriate special educational provision is made for pupils with SEN and (for all settings) having regard to the Special Educational Needs and Disability (SEND) Code of Practice.[6]

Who this guidance is for:

- headteachers, governing boards, local authorities, IRP members, IRP clerks, social workers, VSHs and individuals appointed as SEN experts

- except where specifically stated, this guide applies to all maintained schools, academy schools (including free schools but not 16-19 academies or 16-19 free schools), alternative provision academies (including alternative provision free schools), and PRUs

- the guidance and the law described applies to all pupils, including those who may be below or above compulsory school age, and those attending nursery classes or school sixth forms, except where the age of the pupil is specifically referred to

- this guide does not apply to independent schools (other than the academies listed above), city technology colleges, city colleges for the technology of the arts, further education colleges, sixth form colleges,16-19 academies or 16-19 free schools, all of which have separate suspension and permanent exclusion procedures

- this guidance applies to exclusions that occur on or after 1 September 2024

[5] The duty under section 66 of the Children and Families Act 2014 applies to certain settings, including mainstream schools, maintained nursery schools, academies, alternative provision academies and pupil referral units.

[6] SEND code of practice: 0 to 25 years - GOV.UK (www.gov.uk).

Terminology:

- the term ‘must’ refers to what headteachers/governing boards/academy trusts/local authorities/parents and others are required to do by law and must have regard to when carrying out their duties. The term ‘should’ refers to recommendations for good practice as mentioned in the suspension and permanent exclusion guidance and should be followed unless there is good reason not to

- in this guidance the word 'suspension' is used to refer to what legislation calls an exclusion for a fixed period. Suspensions and permanent exclusions are both types of exclusion, and where this guidance uses the word 'exclusion' this includes both suspensions (fixed-period exclusions) and permanent exclusions

- in this guidance, exclusion of a pupil from a school, means exclusion on disciplinary grounds (and “exclude” is to be interpreted accordingly)[7]. It does not include situations where a pupil is sent away from school or told not to attend for reasons that are not disciplinary

- the term ‘headteacher’ in this document means the headteacher of a maintained school, the teacher in charge at a PRU and the principal of an academy

- the term ‘governing board’ means the governing body of a maintained school, the management committee of a PRU and the academy trust of an academy or alternative provision (AP) academy

- the definition of a ‘parent’ can be found in the Education Act 1996, and this applies to all the legislation to which this guidance relates. In addition to the child's birth parents, references to parents in this guidance include any person who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster carer) who has care of the child. To reflect this, this guidance uses ‘parent’ to refer to both parents and carers. Where practical, all those with parental responsibility should be involved in the suspension and permanent exclusion process

- obligations are to the ‘relevant person’ – the parent if the pupil is under 18 or the excluded pupil, aged 18 or over

- the term ‘cancelled exclusion’ refers to an exclusion that has been cancelled before the governing board has met to consider whether the pupil should be reinstated

[7] Education Act 2002 (legislation.gov.uk)

- the term ‘remote access’ refers to a meeting arranged by the governing board or arranging authority that is carried out via electronic means such as a live video link

- ‘alternative provision’ (AP) refers to suitable full-time education that is arranged for a pupil from the sixth school day (or earlier) of a suspension or the sixth school day (or earlier) after a permanent exclusion.[8] In other circumstances, alternative provision may refer to education arranged for pupils who are unable to attend mainstream or special school and who are not educated at home, whether for behavioural, health, or other reasons. Alternative provision includes PRUs, alternative provision academies and free schools, and hospital schools, as well as a variety of independent, registered, unregistered and further education

- ‘academic year’ means a school’s academic year beginning with the first day of school after 31 July and ending with the first day of school after the following 31 July

- where a school’s academic year consists of three terms or fewer, a reference to a ‘term’ in this guidance means one of those terms. Where a school’s academic year consists of more than three terms, then a reference to ‘term’ means the periods from 31 December to Easter Monday, from Easter Monday to 31 July and from 31 July to 31 December

- ‘school’ in this document is used to describe any school to which the guidance applies. Where the term academy is used it refers to any category of academy to which the guidance applies

[8] Section 100 Education and Inspections Act 2006.

Part two: Changes in this Edition

This guidance has been updated to reflect the government's ambition to create high standards of behaviour in schools so that children and young people are protected from disruption and are in a calm, safe, and supportive environment that brings out the best in every pupil. This guidance provides schools and other bodies involved in this process with information so that they can continue to use suspensions and permanent exclusions appropriately. In addition, specific changes to the legislation governing the disciplinary school suspension and permanent exclusion process have been made and so changes have been made to the guidance to reflect this. Permanent exclusions will sometimes be necessary as a last resort to maintain this environment.

Updates have been made to this guidance in 2026:

- reflecting the Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026
- providing further clarity on the existing exclusion framework and keeping pupils apart for safeguarding purposes
- minor clarifications in relation to the statutory review process for all users, which supports better consistency between governing boards, Independent Review Panels and parents

A technical update was made to this guidance in 2024 to reflect the School Attendance (Pupil Registration) (England) Regulations 2024.

Guidance history

Legislative updates made to this guidance in 2023 include:

- new guidance and amended regulations[9] about a headteacher's ability to cancel an exclusion before the governing board has met to consider whether the pupil should be reinstated. This practice is sometimes known as withdrawing or rescinding an exclusion. If this occurs, the parents[10], the governing board and the local authority, must be notified and, if relevant, the social worker and VSH. Further information on other actions that should take place following a cancelled exclusion is set out in paragraph 13

- governing board reinstatement meetings and IRPs can now be held via the use of remote access (for example, live video link) for suspension and permanent

[9] The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023

[10] Parent if the pupil is under 18 or the excluded pupil, aged 18 or over

exclusions if requested by the parents, provided certain criteria are satisfied. Meetings held via the use of remote access should not be a default option and face to face meetings should always be encouraged. Further information is set out in Part Eleven

Updates made to this guidance in 2022 include:

- when headteachers suspend or permanently exclude a pupil they must, without delay, notify parents. Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the headteacher must now, also without delay after their decision, notify the social worker and/or VSH, as applicable

- when headteachers suspend or permanently exclude a pupil, they must also notify the local authority, without delay. Legislative changes mean that this must be done regardless of the length of a suspension

- guidance on the role of a social worker and VSH, during governing board meetings and IRP meetings

- guidance on managed moves, what they are and how they should be used

- clarified guidance on the use of off-site direction[11] as a short term measure that can be used as part of a school's behaviour management strategy

- further guidance on the practice of involving pupils so that any excluded pupil is enabled and encouraged to participate at all stages of the suspension or permanent exclusion process, considering their age and ability to understand

- guidance for governing boards to ensure that they review data to consider the level of pupil moves and the characteristics of pupils who have been permanently excluded to ensure the sanction is only used when necessary as a last resort

[11] Section 29A Education Act 2002. The legal requirements and statutory guidance relating to this power are set out in guidance on alternative provision: https://www.gov.uk/government/publications/alternative-provision

Part three: The headteacher's power to suspend or permanently exclude[12]

This government supports headteachers in using suspension and permanent exclusion as a sanction when warranted as part of creating calm, safe, and supportive environments where both pupils and staff can work in safety and are respected. To achieve this, suspension and permanent exclusion are sometimes a necessary part of a functioning system, where it is accepted that not all pupil behaviour can be amended or remedied by pastoral processes, or consequences within the school.

The headteacher's powers to use exclusion[13]

1. Only the headteacher[14] of a school can suspend or permanently exclude a pupil on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year) or permanently excluded.

2. A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

3. When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen. The headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.

4. Headteachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made.[15] Where relevant, the pupil should be given support to express their view, including through advocates such as parents or, if the pupil has one, a

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[12] For headteachers, academy principals and teachers in charge of pupil referral units.

[13] Paragraphs 1 to 3 gives guidance about section 51A Education Act 2002.

[14] In a maintained school, 'headteacher' includes an acting headteacher by virtue of section 579(1) of the Education Act 1996. An acting headteacher is someone appointed to carry out the functions of the headteacher in the headteacher's absence or pending the appointment of a headteacher. This will not necessarily be the deputy headteacher: it will depend on who is appointed to the role of acting headteacher. In an academy, 'principal' includes acting principal by virtue of regulation 21 of the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

[15] Convention on the Rights of the Child | OHCHR

social worker. Whilst an exclusion may still be an appropriate sanction, the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider page 16 of the Behaviour in Schools guidance.

Suspension[16]

5. A suspension, where a pupil is temporarily removed from the school, is an essential behaviour management tool that should be set out within a school's behaviour policy.

6. A pupil may be suspended for one or more fixed periods[17] (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.

7. A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a pupil, headteachers and schools should consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

8. It is important that during a suspension, pupils still receive their education. Headteachers should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising any online pathways such as Google Classroom or Oak National Academy.[18] The school's legal duties to pupils with disabilities or SEN remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways should always be recorded as a suspension.

9. A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.

10. The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, for example where there has been further investigation of the pupil's misconduct

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[16] Paragraphs 6, 9 and 10 give guidance about section 51A Education Act 2002.

[17] A 'fixed period' means that a suspension on disciplinary grounds can't be open ended but must have a defined end date that is fixed at the time when the suspension is first imposed.

[18] https://www.thenational.academy/

during the initial suspension and the headteacher has determined that the initial suspension was not an enough of a sufficient sanction, a further suspension may be issued to begin immediately after the first suspension ends. Or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Permanent exclusion

11. 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 should 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.

12. For any permanent exclusion, headteachers should 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) should also be considered. Paragraph 8 provides further guidance on utilising online pathways and the potential significance of SEND law.

Cancelling exclusions

13. The headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled:

- the headteacher must notify the parents[19], the governing board, the LA and the pupil's social worker and VSH as applicable, without delay[20]. The notification must also provide the reason for the cancellation

- the governing board's duty to consider reinstatement[21] ceases, and there is no requirement to hold a meeting to consider reinstatement

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[19] Parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

[20] Written notification of the cancellation and reason for the cancellation can be provided by delivering it directly to the recipient, leaving it at their usual or last known home address, or posting it to that address. A notification to a parent can only be given electronically (e.g. by text message or e-mail) if it is sent to a number or address that the parent has agreed can be used for notifications of this kind.

[21] Paragraphs 116 to 126 provide information on when a governing board must consider and decide on the reinstatement of a suspended or permanently excluded pupil.

- parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay

- the pupil must be allowed back into the school from which they were excluded 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 (see paragraph 6)

14. 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.

Setting a clear process for exclusions

15. Headteachers should consider the following, when setting a clear process for exclusions:

- adopting a reliable method for monitoring the maximum 45 days permitted in a school year out of school due to exclusion, including suspensions received from other schools

- ensuring there is a formal process for informing parents, social worker and VSH (where relevant), governing board and local authority, clearly setting out all reasons for the exclusion

- providing up to date links to sources of impartial advice for parents

- reintegrating pupils whose suspensions have ended or been cancelled and pupils whose permanent exclusions have been cancelled and supporting pupils' future behaviour

- ensuring a formal process for arranging, at short notice, suitable full-time alternative education for pupils receiving suspensions over five school days

Reasons and recording exclusions

16. The government trusts headteachers to use their professional judgement based on the individual circumstances of the case when considering whether to exclude a pupil. The reasons below are examples of the types of circumstances that may warrant a suspension

or permanent exclusion:

- physical assault against a pupil
- physical assault against an adult
- verbal abuse or threatening behaviour against a pupil
- verbal abuse or threatening behaviour against an adult
- use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- bullying
- racist abuse
- abuse against sexual orientation or gender reassignment
- abuse relating to disability

17. This list is not exhaustive and is intended to offer examples rather than be complete or definitive. The Department collects data on suspensions and permanent exclusions from all state-funded schools via the termly school census. Schools must provide information via the school census on pupils subject to any type of suspension or permanent exclusion in the previous two terms.[22] Up to three reasons can be recorded[23] for each suspension or permanent exclusion (where applicable).

Off-rolling and unlawful exclusions

18. Telling or forcing a pupil to leave school, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave school, or forbidden from attending school, on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and with regard to relevant parts of this guidance.

19. Suspending a pupil for a short period of time, such as half a day, is permissible but the formal suspension process must still be followed. Each disciplinary suspension and

[22] The submission of the school census returns, including a set of named pupil records, is a statutory requirement on schools under section 537A of the Education Act 1996.

[23] Complete the school census - Guidance - GOV.UK (www.gov.uk)

permanent exclusion must be confirmed to the parents[24] in writing with notice of the reasons for the suspension or permanent exclusion.

20. Any exclusion of a pupil, even for short periods, must be formally recorded. It would also be unlawful to exclude a pupil simply because they have SEN or a disability that the school feels it is unable to meet, or for a reason such as, academic attainment/ability; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.[25]

21. If any of these unlawful exclusions are carried out and lead to the deletion of a pupil's name from the register, this is known as 'off-rolling'. Further examples of off-rolling include:

- exercising undue influence over a parent to remove their child from the school under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or another school place
- moving a pupil to off-site AP where that is not in the best interests of that pupil
- encouraging a post-16 student not to continue with their course of study when this is against the best interests of that pupil
- sending a pupil home without a formal suspension regardless of whether it occurs with the agreement of parents
- placing a pupil on a part-time timetable for behavioural reasons
- Intentionally removing a pupil from the school roll without correctly following regulations

22. If a parent feels pressured into electively home educating their child or that the suspension or permanent exclusion procedures have not been followed, they can follow the school's complaints procedure with the governing board and in the case of a maintained school, the local authority.

23. Ofsted considers any evidence of off-rolling. Where evidence is found that pupils' names have been removed from the school admission register without a formal permanent exclusion or that a school has encouraged parents to remove their child, and leaders have not taken sufficient action to address this, it may negatively affect the school's leadership and governance evaluation.

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[24] Parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

[25] Paragraph 19 gives guidance about section 51A Education Act 2002.

Safeguarding, including guidance concerning pupils who have abused another pupil (commonly known as child-on-child abuse)

24. If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil or if a pupil has been reinstated following a governing board review, it is likely that there will be complex and difficult decisions that need to be made. It is important that these decisions are made alongside a school's duty to safeguard and support children and their duty to provide an education.

25. Schools have a statutory duty to make arrangements for safeguarding and to promote the welfare of their pupils. As part of this duty, schools are required to have regard to guidance issued by the Secretary of State for Education and must have regard to Keeping Children Safe in Education (KCSIE).[26]

Separation of pupils for safeguarding purposes

26. In certain circumstances, a school can temporarily forbid a pupil from attending its premises, for example, due to an allegation of harm by one pupil against another which might require physically separating a pupil from one or other pupils. In this scenario, the local authority must arrange education for the pupil if the school itself or the pupil's parent does not do so[27]. This is not an exclusion on disciplinary grounds.

27. The school should inform parents of the reason why the pupil has been temporarily forbidden from attending its premises and in conjunction with the designated safeguarding lead (or a deputy). The governing board should also be notified without delay and ensure this is used for rare circumstances and only when separating pupils is essential and cannot practicably be done in a way that lets one or more pupils remain on school premises.

28. It is important to note that in physically separating a pupil from one or more other pupils schools must specifically consider their duties under the Human Rights Act 1998 and the Equality Act 2010 and the Keeping children safe in education guidance. The public law principles of acting reasonably, rationally and in a procedurally fair manner must also be followed. Schools have a pivotal role to play in multi-agency safeguarding arrangements. Safeguarding partners have a shared and equal duty to work together to safeguard and promote the welfare of children. Working Together to Safeguard Children is very clear that all schools (including those in multi-academy trusts) in the local area should be fully engaged, involved, and included in safeguarding arrangements. Ultimately, any

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[26] Section 175 Education Act 2002.

[27] Section 19 of the Education Act 1996

decisions, including to temporarily forbid a pupil from attending its premises for safeguarding reasons, are for the school to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a lead role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.

29. Part 5 of KCSIE provides schools with robust information on managing reports of child-on-child sexual violence and harassment, sets out the legal duties placed on schools and also provides advice on a whole school approach to preventing sexual violence and sexual harassment: "When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis." As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, schools should follow general safeguarding principles as set out in KCSIE.

Reintegration after a suspension, off-site direction or separation for safeguarding purposes

30. Schools should support pupils to reintegrate successfully into school life and full-time education following a suspension (this may also be after a cancelled exclusion) or period of off-site direction (see paragraphs 39 to 54) or separation for safeguarding purposes (see paragraphs 26 to 29). They should design a reintegration strategy that offers the pupil a fresh start; helps them understand the effect of their behaviour on themselves and others; teaches them how to meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.

31. The reintegration strategy should be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school. During a reintegration meeting, the school should communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible this meeting should include the pupil's parents. It is important to note that a pupil should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting. To ensure ongoing progress, the strategy should be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

32. Where necessary, schools should work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools team, to identify if the pupil has any SEND and/or health needs.

33. A part-time timetable should not be used to manage a pupil's behaviour and must only be in place for the shortest time necessary. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time education, either at school or alternative provision. There should also be formal arrangements in place for regularly reviewing a part-time timetable with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and must take the appropriate steps for a leave of absence[28].

34. Schools can consider a range of measures to enable the pupil's successful reintegration which can include, but are not limited to:

- maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- daily contact with a designated pastoral professional in school
- use of a report card with personalised targets leading to personalised rewards
- ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress
- planned pastoral interventions
- mentoring by a trusted adult or a local mentoring charity
- 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

[28] Regulations 10 and 11 of the School Attendance (Pupil Registration) (England) Regulations 2024

Part four: Factors to consider before making a decision to exclude

The very best alternative provision (AP) can be important in managing behaviour and providing alternatives to exclusion. This could include outreach support for pupils in mainstream schools and offering short term places to pupils who need a time-limited intervention away from their mainstream school. Schools should work with high quality alternative provision providers to ensure a continuum of support is available for pupils for whom good behaviour cultures and policies are not working.

Preventative measures to school exclusion

35. In addition to the strategies set out regarding initial intervention (this can be found on page 27 of the Behaviour in Schools guidance), headteachers should also consider the following: a) an off-site direction (temporary measure) or b) managed moves (permanent move) as preventative measures to permanent exclusion. Headteachers considering either of these options should ensure the pupil is supported to share their view and kept informed of how this is taken into account in the decision-making process.

36. Any use of alternative provision should be based on an understanding of the support a child or young person needs in order to improve their behaviour, as well as any SEND or health needs. Off-site direction may only be used as a way to improve future behaviour and not as a sanction or punishment for past misconduct. Off-site direction should only be used where in school interventions and/or outreach have been unsuccessful or are deemed inappropriate and should only be used to arrange a temporary stay in AP.

37. The following must have regard to the Arranging Alternative Provision: A Guide for Local Authorities and Schools:

- a local authority arranging suitable education under section 19 of the Education Act 1996
- the governing body of a maintained school making or reviewing an off-site direction under section 29A of the Education Act 2002 and
- the governing body or academy trust of a maintained school, academy school or alternative provision academy arranging suitable education for a suspended pupil under section 100 of the Education and Inspections Act 2006

38. The nature of the intervention, its objectives, and the timeline to achieve these objectives should be clearly defined and agreed with the alternative provision upfront. The plan should then be frequently monitored and reviewed. Pupils must continue to receive a broad and balanced education, and this will support reintegration into mainstream schooling.

Off-site direction

39. Off-site direction is when a pupil is required to attend another education setting temporarily to improve their behaviour. A governing board[29] is responsible for arranging off-site direction under the law[30]. Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction should be used to arrange time limited placements at an alternative provision or another mainstream school. During the off-site direction to another school, a pupil must be recorded in the attendance register using code D. This code is used to indicate that the pupil is absent with leave to attend the other school at which they are registered. Further information on how schools record pupils who are absent from the school site for certain educational activities or to attend other schools or settings can be found in the attendance guidance: Working together to improve school attendance.

40. When possible, in school interventions or targeted support from alternative provision schools should be used to meet a pupil's individual needs and circumstances – whether behavioural or special educational.

41. Depending on the individual needs and circumstances of the pupil, off-site direction 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 should be discussed and agreed upon as part of the planning phase for an off-site direction. As part of planning, alternative options should be considered once the time limit has been reached, including a managed move on a permanent basis (if a pupil is placed in a mainstream school) upon review of the time limited placement.

42. The governing board must comply with the Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026[31] and must have regard to the. Arranging Alternative Provision: A Guide for Local Authorities and Schools.

43. From 26 July 2026, management committees of pupil referral units can also make off-site directions. If they do, they must follow the same procedural requirements as maintained schools and academies, as set out in the Education (Educational Provision for Improving Behaviour) (England) Regulations 2010 and applied by the Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026.

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[29] The term governing board within this section, refers to governing bodies of maintained schools, the proprietors of academy schools and AP academies and the management committees of PRUs

[30] Section 29A of the Education Act 2002 and Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026.

[31] The Education (Educational Provision for Improving Behaviour) Regulations 2010 as amended and modified by the Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026.

44. The statutory guidance covers objectives and timeframes with appropriate monitoring of progress. The governing board must ensure that parents (or pupils aged 18 or over) (and the local authority if the pupil has an Education, Health and Care (EHC) plan) are notified in writing and provided with information about the placement[32] as soon as practicable after the direction has been made and no later than two school days before the relevant day.

45. This notice must include the following information:

- the address at which the educational provision is to be provided for the pupil
- the person to whom the pupil should report to on first attending that address for the purposes of receiving the educational provision
- the number of days for which the requirement is to be imposed
- the reasons for, and objectives of, imposing the requirement; and in relation to the educational provision:
    - where two sessions per day are provided, the times at which the morning session commences, the afternoon session ends and the break between them commences and ends, or
    - where a single session per day is provided, the times at which the session commences and ends

46. Parents (or pupils aged 18 or over) and, where the pupil has an EHC plan, the local authority can request, in writing, that the governing body hold a review meeting. When this happens, governing bodies must comply with the request as soon as reasonably practicable, unless there has already been a review meeting in the previous 10 weeks.

47. The length of time a pupil spends in another mainstream school or alternative provision and the reintegration plan must be kept under review by the governing board who must hold review meetings at such intervals as they, having regard to the needs of the pupil, consider appropriate, for as long as the requirement remains in effect. Not later than six days before the date of any review meeting, a governing board must give a written invitation to parents[33] (and the local authority if the pupil has an EHC plan) to attend the review meeting, or to submit in writing before the date of the meeting their views as to

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[32] Regulation 3 of the Education (Educational Provision for Improving Behaviour) Regulations 2010 as amended.

[33] Parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

whether off-site direction should continue to have effect.[34] The governing board must ensure, insofar as is practicable, that any review meeting is convened on a date, and at a time, that is suitable for the parent or the pupil if they are aged 18 or over.

48. The governing board must keep the placement under review for as long as the requirement remains in effect and must decide following each review meeting as to whether the requirement should continue to have effect and, if so, for what period of time.[35] The meeting should include arrangements for reviews, including how often the placement will be reviewed, when the next review will be and who should be involved in the reviews.

49. For example, review meetings should take place between the school, parents, the pupil, and other agencies e.g. a pupil's social worker, Child and Adolescent Mental Health Services (CAMHS), Multi-Agency Safeguarding Hubs (MASH) and Youth Justice Teams, and the local authority (if a pupil has an EHC plan) to establish agreed monitoring points to discuss the pupil's ongoing behaviour. These reviews should be recorded in writing and be frequent enough to provide assurance that the off-site direction is achieving its objectives.

50. The governing board must give written notification of their decision as to whether the requirement to continue the placement should continue and if so, for what period of time including the reasons for it to the parent no later than six days after the date of the review meeting.[36]

51. To support a pupil with reintegration into their referring school, the focus of intervention whilst off-site should remain on ensuring that a pupil continues to receive a broad and balanced curriculum whilst any inappropriate behaviours which require intervention are being addressed. If a pupil with a disability or SEN has been moved off-site, the duties under the Equality Act 2010 and the Children and Families Act 2014 continue to apply (for example, to make reasonable adjustments or to put support in place to meet SEN).

52. The length of time a pupil spends in another mainstream school or alternative provision will depend on what best supports the pupil's needs and potential improvement in behaviour.

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[34] Regulation 5 of the Education (Educational Provision for Improving Behaviour) Regulations 2010 as amended.

[35] The governing body, proprietor or management committee must take into account the views of any persons (the relevant person, the provider, the head teacher of the school, a representative of the governing body, proprietor or management committee; and where the pupil has a statement of special educational needs, a representative of the local authority maintaining the statement referred to in regulation) who have attended the review meeting or have submitted their views in writing.

[36] Regulation 6 of the Education (Educational Provision for Improving Behaviour) Regulations 2010 as amended.

53. The referring school and the new school should ensure that the off-site direction has been preceded by all relevant information sharing between the referring school, the new school and local authority as appropriate, including, data on prior and current attainment, academic potential, a current risk assessment, and advice on effective ongoing risk management and/or other pupil support strategies.

54. Prior to any off-site direction, the original school should be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support or any statutory assessments. It is also critical for information sharing to take place between the referring school and new school in all circumstances and in advance of the off-site direction to ensure the pupil is protected.

Off-site direction placements which have been arranged by academy schools and AP academies before 26 July 2026

55. Where an off-site direction or relevant placement was imposed by an academy school or AP academy before 26 July 2026, and the pupil remains on that placement on or after this date, the academy trust must provide the parent (or pupil aged 18 or over, and the local authority where the pupil has an EHC plan) with written notice of the requirement (including all the prescribed information except the details of the person to whom the pupil should report on first attending) as soon as practicable on or after 26 July 2026, and no fewer than six days before the first review meeting[37]. The notice must include the information set out in paragraph 45 of this guidance. For placements that were already in place before 26 July 2026 and continue beyond that date, the notice does not need to include details of the person to whom the pupil should first report on attending the placement.

56. The trust must hold the first review meeting as soon as reasonably practicable after 1 August 2026, regardless of whether a review meeting has been held in the previous 10 weeks. Subsequent review meetings must then be held as normal, i.e. at intervals the trust considers appropriate, having regard to the pupil's needs. The trust must also ensure, so far as practicable, that the review meeting is arranged at a date and time suitable for the parent (or pupil aged 18 or over). If the parent or pupil aged 18 or over, or the local authority where the pupil has an EHC plan, request a review meeting and there has not been one within the 10 weeks before the request was made, the trust must hold a review meeting as soon as reasonably practicable after 1 August 2026.

57. An invitation to attend the review meeting or to submit written views on whether the off-site direction should continue must be sent at least six days before the scheduled

[37] Regulation 5 The Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026.

meeting. The invitation must make clear that written views need to be submitted before the date of the meeting.

Managed moves

58. A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves should be voluntary, offered as part of a planned intervention and agreed with all parties involved (including the parents and the admission authority of the new school). Managed moves should only occur when it is in the pupil's best interests.

59. Once a pupil undergoes a managed move, the pupil moves permanently from the original school to the new school, and the pupil's name should be deleted from the original school's admission register and added to the admission register of the new school. Where a managed move follows a period of off-site direction, the pupil will already have been registered at the school where they are receiving education off-site; in these circumstances, the deletion from the original school's register only takes place when the move becomes permanent. The pupil should be registered at one school only.

60. The law does not allow for a 'trial admissions' or 'trial managed move'. If a temporary move needs to occur to improve a pupil's behaviour, then off-site direction (as described in paragraphs 39 to 54) should be used. The required review of an off-site direction placement may identify alternative options, which includes a permanent managed move (for pupils placed in a mainstream school). If a managed move is agreed, the pupil's name must be removed from the original school's admission register in line with the required process.

61. Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a managed move, it should contact the authority prior to the managed move. If the local authority, both schools and parents are in agreement that there should be a managed move, the local authority will need to follow the statutory procedures for amending a plan.[38]

62. The original school and the new school should ensure that the managed move has been preceded by all relevant information sharing between the original school, the new school and local authority as appropriate, including, data on prior and current attainment, academic potential, a current risk assessment, and advice on effective ongoing risk management and/or other pupil support strategies.

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[38] The processes for amending a plan are set out in sections 37 and 44 of the Children and Families Act 2014 and regulations 22 and 28 of the Special Educational Needs and Disability Regulations 2014.

63. Prior to any managed move, the original school should be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support or any statutory assessments. It is also critical for information sharing to take place between the original and new school in all circumstances and in advance of the managed move to ensure the pupil is protected.

64. If a parent believes that they are being pressured into a managed move or is unhappy with a proposed managed move, they can take up the issue through the school's formal complaints procedure with the governing board and, where appropriate, the local authority. Ofsted will consider any evidence found of a parent being pressured into a managed move that has resulted in off-rolling. Where inspectors find evidence of bad practice, the school's report card and leadership and governance evaluation may be negatively impacted.

65. A pupil must not be permanently excluded because of their parent's (and/or pupil's where appropriate) refusal to agree a managed move. It is unlawful to exclude a pupil for a non-disciplinary reason. If a parent takes the view their child should move to a new school and the original school does not consider that a managed move is appropriate, it is open to the parents (and/or pupil where appropriate) to apply for a new school place by making an in-year application. The admission authority of the new school (or the local authority if it is coordinating in-year admissions), must process the application in accordance with its own in-year admission arrangements.

66. Any move from one school to another must comply with the statutory School Admissions Code (unless the pupil has an Education Health and Care Plan) as well as The School Attendance (Pupil Registration) (England) Regulations 2024

67. Where an in-year application is made, including where it is part of a managed move, the admission authority must allocate a place in accordance with its oversubscription criteria. This means a pupil undergoing a managed move must not be admitted ahead of pupils on a waiting list, where the school is operating one, unless the child meets the school's published oversubscription criteria more closely than those already on the list

68. Managed moves are considered separately from the Fair Access Protocol (FAP) process. Where it is helpful, discussions about children to be placed by the FAP may be combined with discussions about potential managed moves for children not eligible for the FAP. However, only prescribed categories of children (set out in paragraph 3.17 of the School Admissions Code) can be placed via the FAP. Children not eligible for the FAP can only be allocated a place at a school in accordance with its published admission arrangements.

Variation in exclusion rates

69. There are longstanding national trends which show that particular groups of children are more likely to be excluded from school, both for a suspension or permanent exclusion.

All of these factors will differ for each child, and the influence of out-of-school factors will vary according to local context, so it is important that schools, local authorities and local partners work together to understand what lies behind local trends. Local leaders will be best placed to effectively plan and put in place additional and targeted action based on their own context. If they identify any gaps, they are also in the position to act to ensure those who work with children have the training, services and support they need to address these.[39]

Pupils with disabilities and Special Educational Needs (SEN) including those with Education, Health and Care plans (EHC plans)

70. 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, governing boards of relevant settings[40] must use their '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.

71. Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs.

72. Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability.

73. Where a pupil has an EHC plan, schools should 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 EHC plan, the school should 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 EHC assessment or a review of the pupil's current package of support.

74. Where a school is contemplating a managed move for a pupil with an EHC plan, prior to any such move the original school should contact the local authority. If the local

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[39] Timpson Review of School Exclusion

[40] The duty under section 66 of the Children and Families Act 2014 applies to certain settings, including mainstream schools, maintained nursery schools, academies, alternative provision academies and pupil referral units.

authority, both schools and the parents agree that there should be a managed move, the local authority will need to follow the statutory procedures for amending the EHCP.

Pupils who have a social worker, including looked-after children, and previously looked-after children

75. For the majority of children who have a social worker, this is due to known safeguarding risks at home or in the community: over half are in need due to abuse or neglect.[41] For children with a social worker, education is an important protective factor, providing a safe space for children to receive support, be visible to professionals and realise their potential. When children are not in school, they miss the protection and opportunities it can provide and become more vulnerable to harm. Headteachers should balance this important reality with the need to ensure calm and safe environments for all pupils and staff, so should devise strategies that take both of these aspects into account.

76. Where a pupil has a social worker, e.g. because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the headteacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations.

77. Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority's VSH as soon as possible. The DT should seek the advice of the VSH and consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. This should include how the school is using Pupil Premium Plus, and consideration should be given to how effectively the current Personal Education Plan (PEP) is being implemented and whether an interim PEP review needs to be called. Where relevant, the school should also engage with a child's social worker, foster carers, or children's home workers.

78. All looked-after children should have a Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan.[42] This should be reviewed every term and any concerns about the pupil's behaviour should be recorded, as well as how the pupil is being supported to improve their behaviour and reduce the likelihood of exclusion. Monitoring of PEPs can be an effective way for VSHs to check on this.

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[41] Children in need, Reporting year 2025 – Explore education statistics – GOV.UK (explore-education-statistics.service.gov.uk)

[42] Promoting the education of looked-after children and previously looked-after children (publishing.service.gov.uk)

79. Where previously looked-after children face the risk of being suspended or permanently excluded, the school should engage with the child's parents and the school's DT. The school may also seek the advice of the VSH on strategies to support the pupil.[43]

80. Where a pupil has a social worker, including if they have a Child in Need Plan or a Child Protection Plan and as soon as the original school is contemplating a managed move and prior to it, the social worker should be notified as well as the DSL and (unless this would lead to safeguarding risks) the pupil's parents. For looked-after children, the relevant authority's VSH should also be notified of the proposed managed move.

81. If agreed by all relevant parties that a managed move is in the best interests of the pupil, then the original and the new school should ensure any PEP is appropriately reviewed and amended to take account of the managed move and the relevant statutory duties on the new school and the local authority will apply.

[43] Further information can be found in the guidance for the designated teacher for looked-after and previously looked-after children.

Part five: The headteacher's duty to inform parties about an exclusion

To ensure that a child receives the correct support and protection during a suspension or permanent exclusion, it is important that those responsible for their care are promptly informed when exclusions occur or there is a risk of them occurring. As well as communicating with the child where relevant throughout the exclusion process, this section sets out how and when schools should and must share information with parents, social workers, VSH, local authorities, and governing boards.

Duty to inform parents[44] about an exclusion[45]

82. Whenever a headteacher suspends or permanently excludes a pupil they must, without delay, notify parents or the excluded pupil (if they are 18 years or older) of the period of the suspension or permanent exclusion and the reason(s) for it.

83. They must also, without delay, after their decision, provide parents with the following information in writing:

- the reason(s) for the suspension or permanent exclusion
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent
- parents' right to make representations about the suspension or permanent exclusion to the governing board (in line with the requirements set out in paragraphs 116-126) and how the pupil may be involved in this
- parents' (or an excluded pupil if they are 18 years or older) right to make a request to hold the meeting via the use of remote access and how and to whom to make this request (further information on other information this should include can be found in Annex A: Key principles when conducting meetings via the use of remote access)
- how any representations should be made; and
- where there is a legal requirement for the governing board to consider whether the pupil should be reinstated, that parents or an excluded pupil (if they are 18 years or

[44] Parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

[45] Paragraphs 82 to 91 gives guidance about section 51A Education Act 2002

older) have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend

84. Written notification of the information above (paragraph 83) can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.[46]

85. Where a suspended or permanently excluded pupil is of compulsory school age the headteacher must also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours.

86. These days are the first five school days of a suspension or permanent exclusion (or until the start date of any full-time alternative provision or the end of the suspension where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted. The headteacher must notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session on the first day of the suspension or permanent exclusion.[47]

87. If alternative provision is being arranged, then the following information must be included with this notice where it can reasonably be found out within the timescale:

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

88. Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session on the first day of the suspension or permanent exclusion, it may be provided in a subsequent notice, but it must be provided 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 information can be provided with less than 48 hours' notice with parents' consent.

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[46] Section 572 Education Act 1996.

[47] Sections 103 to 105 Education and Inspections Act 2006 and regulations made under these sections.

89. The information in paragraphs 85 to 88 must be provided in writing but can be provided by any effective method (paragraph 94 provides guidance on this issue).

90. The failure of a headteacher to give notice of the information in paragraphs 85 and 88 by the required time does not relieve the headteacher of the duty to serve the notice. A notice is not made invalid solely because it has not been given by the required time.

91. If a child is suspended again following their original suspension, or is subsequently permanently excluded, the headteacher must inform parents and where relevant, the pupil's social worker or local authority if the pupil has an EHCP, without delay and issue a new exclusion notice to parents and the social worker.

Informing parents[48] about an exclusion

92. For notifications under paragraph 82, although this must not delay notification, notification should be in person or by telephone in the first instance as this would allow parents to ask any initial questions or raise concerns directly with the headteacher. Headteachers should consider the following:

- has the school spoken to the parents (and when appropriate, the child's social worker) to ensure they fully understand the type/scale of the incident?
- has the school considered how to communicate accessibly and clearly, including whether parents may have particular communication needs relating to a disability or having English as an additional language (EAL)?
- has the school provided sufficient details in the suspension or permanent exclusion notice letter on the reasons for the suspension or permanent exclusion?
- does the notice contain all the required information as set out in part six of the suspension and permanent exclusion guidance?
- has the school informed parents (and when appropriate, the pupil's social worker or the local authority if a pupil has an EHCP) whether their pupil will be able to sit any national curriculum test(s) or public examination(s) occurring during the suspension or permanent exclusion?
- when several suspensions have been issued in a term, has the school informed parents of their right of representation to the governing board?
- letter templates might be available from the local authority.

[48] Parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

93. When notifying parents about a suspension or permanent exclusion, the headteacher should set out what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to school, in line with legal requirements and guidance in part six.

94. For notifications under paragraphs 85 to 88, effective methods for providing the information may include email or text message, giving the notice directly to the parents, or sending the information home with the suspended or permanently excluded pupil. Where information is sent home with the pupil, the headteacher should consider sending a duplicate copy by an alternative method or confirming that the information has been received.

95. When notifying parents about a suspension or permanent exclusion, the headteacher should draw attention to relevant sources of free and impartial information. This information should include:

- the Department's Guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found here https://www.gov.uk/government/publications/school-exclusions-guide-for-parents

- every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Every exclusion letter should include details of the local service which can also be found here https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-services-network

- Coram's Child Law Advice service can be found through their website https://childlawadvice.org.uk/information-pages/school-exclusion/ or contacted on 0300 330 5485 from Monday to Friday, 10am – 4pm

- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities

Informing social workers and VSHs about an exclusion

96. Information sharing is vital in safeguarding children and promoting their welfare, including their educational outcomes. Schools should be proactive in sharing information as early as possible to help identify, assess, and respond to risks or concerns about the safety and welfare of children. Keeping children safe in education and Working Together

to Safeguard Children set out the requirements for schools and colleges about information sharing in more detail.

97. Whenever a headteacher suspends or permanently excludes a pupil they must, without delay, after their decision, also notify the social worker, if a pupil has one, and the VSH, if the pupil is a LAC[49], of the period of the suspension or permanent exclusion and the reason(s) for it. The information in paragraphs 85 to 88 must be provided in writing to the local authority.

98. Both the social worker and/or VSH, must be informed when a governing board meeting is taking place, in order to share information. The social worker and/or the VSH can attend the meeting, should they wish to do so. Further guidance to social workers and VSHs on attending a governing board meeting can be found in paragraphs 147 to 149.

99. Social workers and VSHs, must be allowed to join a governing board meeting or IRP via the use of remote access, regardless of the format chosen, as long as the governing board (for a governing board meeting) or arranging authority (for a review panel meeting) are satisfied they will be able to participate effectively, they can hear and be heard (and see and be seen if participating by video) throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent. Further information can be found in paragraphs 266 and 271.

Informing the governing board about an exclusion[50]

100. The headteacher must, without delay, notify the governing board of:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil)
- any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test

101. When removing a pupil's name from the school admission register, the governing board must ensure this is done under the circumstances prescribed by the School Attendance (Pupil Registration) (England) Regulations 2024.

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[49] If the pupil is previously looked-after (PLAC) the VSH should provide advice and information, upon request from relevant parties (DT, parents, etc) but does not have a corporate parent role that they have for LAC.

[50] Paragraphs 100 to 101 gives guidance about section 51A Education Act 2002.

Informing the local authority about an exclusion[51]

102. The local authority must be informed without delay of all school exclusions regardless of the length of the exclusion.

103. For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the headteacher must also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay. The headteacher must also inform the governing board once per term of any other suspensions of which they have not previously been notified.

104. Notifications must include the reason(s) for the suspension or permanent exclusion and the duration of any suspension or, in the case of a permanent exclusion the fact that it is permanent.[52] The local authority may reasonably wish to request this information in a standardised format. In doing so, they should take care to minimise the administrative burden this can place on schools.

Guidance to the headteacher on informing the governing board about an exclusion

105. The headteacher should ask the chair of the governing board whether there are clear processes in place for considering suspensions and permanent exclusions, such as:

- ensuring parents and pupils are aware of their right to consideration by the governing board
- asking whether the governing board have taken steps to find a convenient date that the parent, other relevant parties, the local authority representative (if relevant) and the headteacher can attend, within the legal time limits
- asking the governing board whether they have considered how to involve the pupil in the consideration process
- collecting all relevant documents, anonymising them, if required, and providing them to all parties

106. The headteacher should ensure that they have informed the governing board about reinstatement and specify the correct timescale. They should also make clear to the governing board whether the need to consider reinstatement is dependent on receiving

[51] Paragraphs 102 to 103 gives guidance about section 51A Education Act 2002.

[52] The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

parental representations.

107. A headteacher should ensure a process is in place for a governing board when considering reinstatement following a permanent exclusion:

- do governors understand the suspension and permanent exclusion process to enable a review within deadlines?

- would governors benefit from additional training, including on behaviour management, routines, norms and consequences, disability awareness, the Equality Act 2010, the Children and Families Act 2014 and SEN provision?

- is there a clear and timely system in place to enable parents to make representations?

- are there up-to-date templates for notifying parents of the decision and explaining the next steps?

Part six: The governing board and local authority's duties to arrange education for excluded pupils

Governing boards and local authorities play an important role in ensuring that children who have been excluded from school receive a suitable education that facilitates their successful reintegration into education or meets their long term needs.

The education of pupils from the sixth day of an exclusion[53]

108. For a suspension of more than five school days, the governing board (or local authority about a pupil suspended from a PRU) must arrange suitable full-time education for any pupil of compulsory school age. This provision is commonly called alternative provision and must begin no later than the sixth school day of the suspension. Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is because of one decision to suspend the pupil for the full period or multiple decisions to suspend the pupil for several periods in a row. The school should also collaborate with the local authority when the suspended pupil might be eligible for free home to school travel, arranged by the local authority, to the place where they will be receiving education.[54]

109. For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place.[55] This will be the pupil's 'home authority' in cases where the school is in a different local authority area.

110. In addition, where a pupil has an EHCP, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement.[56]

111. The local authority must have regard to the relevant statutory guidance when carrying out its duties in relation to the education of looked-after children, which can be found here: Promoting the education of looked-after children and previously looked-after children (publishing.service.gov.uk). Where a looked-after child is excluded, the school should document the provision of immediate suitable education in the child's PEP.

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[53] Section 100 of the Education and Inspections Act 2006, section 19 of the Education Act 1996 and regulations made under those sections apply to paragraphs 108 to 112.

[54] Home-to-school travel and transport - GOV.UK (www.gov.uk).

[55] The education arranged must be full-time or as close to full-time as in the child's best interests because of their health needs.

[56] Section 44 of the Children and Families Act 2014 provides for reviews and reassessments, with further detail in Part 2 of the Special Educational Needs and Disability Regulations 2014.

112. Provision does not have to be arranged by either the school or the local authority for a pupil in the final year of compulsory education who does not have any further public examinations to sit.

The education of pupils prior to the sixth day of an exclusion

113. It is important for schools to help minimise the disruption that suspension or permanent exclusion can cause to a pupil's education. Whilst the statutory duty on governing boards or local authorities is to arrange full-time education from the sixth day of a suspension or permanent exclusion, there is an obvious benefit to the pupil in starting this provision as soon as possible. In the case of a looked-after child or child with a social worker, the school and the local authority should work together to arrange alternative provision from the first day following the suspension or permanent exclusion.

114. Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of a suspension or permanent exclusion, the school should take reasonable steps to set and mark work for the pupil. Online pathways such as Google Classroom or Oak Academy can be used but schools should ensure that the work set is accessible and achievable by the pupil outside school.

115. The governing board should ensure that there are clear processes in place to comply with its legal duty to arrange suitable full-time educational provision for pupils of compulsory school age from the sixth consecutive school day of a suspension. This includes:

- checking that there is a process in place for the governing board to assure itself that the education provided is suitable and full-time
- quality assuring provision and ensuring that any previous placements have been evaluated, including support for any SEND the pupil may have
- checking whether there is a process in place to monitor the pupil's attendance and behaviour at the provision
- checking whether the correct attendance code is being used
- checking whether the pupil's child protection file and any other information relevant to the pupil's safeguarding and welfare has been securely transferred to their new setting as early as possible, in line with Keeping children safe in education

Part seven: The governing board's duty to consider an exclusion

Governing boards have a key responsibility in considering whether excluded pupils should be reinstated. This forms part of their wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties.[57] Part 11 of this guidance provides information about how governing board meetings can be held via the use of remote access (for example, live video link) if requested by a parent[58] or due to extraordinary events or unforeseen circumstances.

Guidance for governing boards on considering an excluded pupil's reinstatement[59]

116. The governing board has a duty to consider parents' representations about a suspension or permanent exclusion. The requirements on a governing board to consider the reinstatement of a suspended or permanently excluded pupil depend upon a number of factors (these requirements are illustrated by the diagram on page 43, 'A summary of the governing board's duties to review the headteacher's exclusion decision').

117. In the case of a maintained school, the governing board may delegate its functions with respect to the consideration of a suspension or permanent exclusion to a designated sub committee consisting of at least three governors.

118. In the case of an academy, the governing board may delegate to a committee of the trust board, including a local governing body, if the trust's articles of association allow them to do so.

119. The governing board must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher if:

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

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[57] Maintained schools governance guide; Academy trust governance guide

[58] Parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

[59] Section 51A Education Act 2002 and regulations made under that section, as well as the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 applies to paragraphs 116 to 126.

120. The requirements are different for suspensions where a pupil would be excluded for more than five but not more than 15 school days in a term[60]. In this case, if the parents make representations, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

121. Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for a governing board. It must, so far as is reasonably practicable, consider and decide on the suspension or permanent exclusion before the date of the examination or test. If it is not practical for sufficient governors to consider the reinstatement before the examination or test, the chair of governors, in the case of a maintained school, may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the pupil.[61]

122. In the case of an academy the pupil's reinstatement may be considered by a committee of the trust board, including a local governing body, if the trust's articles of association allow them to do so.

123. The following parties must be invited to a meeting of the governing board and allowed to make representations or share information:

- parents (and, where requested, a representative or friend)
- the pupil if they are 18 years or older
- the headteacher
- a representative of the local authority (in the case of a maintained school or PRU) (parents may request that the local authority and/or the home local authority attend a meeting of an academy's governing board as an observer. The academy trust is not required to agree to such a request, and any representative from the local authority may only make representations if the governing board gives consent)
- the child's social worker if the pupil has one; and
- the VSH if the child is LAC

[60] In the case of a pupil who has been excluded for any more than 15 school days, for example for 15.5 school days, in a term, the governing board must consider and decide on reinstatement within 15 school days.

[61] Where the chair is unable to make this consideration, then the vice chair may do so instead.

124. The governing board must make reasonable endeavours 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. Its decision will not be invalid simply on the grounds that it was not made within these time limits.

125. In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

126. Taking into account, the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in governing board meetings and the pupil should be enabled to make a representation on their own behalf if they wish to do so.

Guidance for governing boards on using data on suspensions and permanent exclusions

127. Governing boards should routinely challenge and evaluate what their school's data indicates about pupil movement. This includes carefully considering the levels and characteristics of pupils leaving the school, whether through permanent exclusion, removal from the admission register, off-site direction, or any other form of pupil movement to ensure that such actions are taken only, when necessary, as a last resort. They should deploy maximum challenge to school leadership to understand these movements and identify any emerging patterns that may require further scrutiny or action.

128. Governing boards should review suspensions and permanent exclusions, those taken off roll and those on the school admission register but attending education off-site including the separation of pupils for safeguarding purposes. It is important to consider both the cost implications of directing children to be educated off-site in alternative provision and whether there are any patterns to the reasons or timing of moves. For example, if high numbers of children with SEND are moving, the school, academy or trust may wish to consider reviewing its SEN support.

129. Multi-academy trusts (MATs) may also choose to work with their academies to consider this information, and whether there are patterns across academies within a MAT, recognising that numbers in any one academy are often too low to allow for meaningful statistical analysis.

130. Governing boards should consider:

- effectiveness and consistency in implementing the school's behaviour policy

- 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 ensure 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
- understanding the characteristics of excluded pupils, and why this is taking place
- whether the placements of pupils directed off-site into alternative provision, or the separate arrangements made to keep pupils apart for safeguarding purposes are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it.
- understanding and making use of performance data in the following areas to hold school leaders to account and to make informed decisions:
    - pupil numbers, attendance, and exclusions
    - attainment and progress
    - curriculum planning and class sizes
    - financial management and governance
    - quality assurance
    - safeguarding and well-being
    - the school community, including staff, pupils, parents, and the governing board
- building an evidence base from the most recent and accessible data to identify successes and root causes of problems
- using data to benchmark and analyse trends to improve educational and financial outcomes.

A summary of the governing board's duties to consider reinstatement[62][63][64]

Conditions of exclusion | Governing board duties

Does the exclusion meet any of the following conditions?

- It is a permanent exclusion
- It is a suspension that alone, or in conjunction with previous exclusions, will take the pupil's total number of days out of school above 15 for a term. This includes suspensions that total 15.5 days
- It is a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test*

Yes

The governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension or permanent exclusion. [63][62]

*If the pupil will miss a public exam or national curriculum test, the governing board must take reasonable steps to meet **before** the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone. [64][64]

No

Will the suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?

No

The governing board must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil.

Yes

Has the parent made representations?

Yes

The governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

No

The governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

[62] Parents on diagram refer to parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

[63] The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

[64] The ability for a chair to review in the case of public exams refers only to maintained schools.

A summary of the governing board's duties to consider reinstatement[65]

1. Is it a permanent exclusion?

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the permanent exclusion.

If the answer is no, go to step 2.

2. Is it a suspension that alone, or in conjunction with previous suspensions / permanent exclusions, will take the pupil's total number of days out of school above 15 for a term?

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension. This includes suspensions that exceed 15 school days by less than a whole day, e.g. one that totals 15.5 days.

If the answer is no, go to step 3.

3. Is it a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test?

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension or permanent exclusion. The governing board must also take reasonable steps to meet **before** the date of the examination. If this is not practical, the chair of governors may consider a pupil's reinstatement alone.

If the answer is no, go to step 4.

4. Will the suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?

If the answer is yes, go to step 5.

If the answer is no, the governing board must consider any representations made by parents[66] but does not have the power to decide whether to reinstate the pupil.

5. Has the parent made representations?

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

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[65] The governing board may delegate its functions to consider an exclusion to a designated committee.
[66] Parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

If the answer is no, the governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

Preparing for the consideration of a suspension or permanent exclusion

131. Where the governing board is legally required to consider the reinstatement of a suspended or permanently excluded pupil they must:

- not discuss the suspension or permanent exclusion with any party outside the meeting

- ask for any written evidence in advance of the meeting, including witness statements[67] and other relevant information held by the school such as those relating to a pupil's SEN and the pupil's school record

- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting

- allow parents and the pupil to be accompanied by a friend or representative (where a pupil under 18 years old is to be invited as a witness, the governing board should first seek parental consent); more than one friend or representative can be permitted to accompany, having regard to a reasonable limit on numbers attending the meeting

- invite the pupil's social worker, if they have one, and if the pupil is LAC, the VSH to attend

- comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability with mobility or communication that has an effect upon their ability to attend the meeting or to make representations); and

- identify the steps they will take to enable and encourage the suspended or permanently excluded pupil to attend the meeting and speak on their behalf (such as providing accessible information or allowing them to bring a friend), taking into

[67] Witness statements can be gathered from the headteacher, the pupil's teachers, the designated safeguarding lead, the pupil themselves, the pupil's parent(s) and if applicable, the designated teacher for looked-after children. Where possible, written statements should also be gathered from the pupil's social worker, and for looked-after children the area's VSH.

account the pupil's age and understanding; or how the suspended or permanently excluded pupil may feed in their views by other means if attending the meeting is not possible

Pupils who may miss a public examination or national curriculum test if they are suspended or permanently excluded

132. There is no automatic right for a suspended or permanently excluded pupil to take a public examination or national curriculum test on the school's premises. The governing board should consider whether it would be appropriate to exercise its discretion to allow a suspended or permanently excluded pupil onto the premises for the sole purpose of taking the examination or test or whether this could be facilitated in another way.

Considering the reinstatement of a suspended or permanently excluded pupil[68]

133. Where the governing board is legally required to consider reinstating a suspended or permanently excluded pupil, they must consider both the interests and circumstances of the suspended or permanently excluded pupil, and that of other pupils, staff, and school community.

134. The governing board must also consider any representations made by or on behalf of:

- the parents or the pupil if they are over 18 years old
- the headteacher
- the pupil's social worker if the pupil has one
- if the pupil is looked-after[69], the VSH
- and the local authority (in the case of a maintained school or PRU)

135. Taking into account, the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in the governing board meeting and the pupil should be enabled to make a representation on their own behalf if they desire to do so.

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[68] Paragraphs 133 to 139 gives guidance about section 51A Education Act 2002.

[69] If the pupil is previously looked-after (PLAC) the VSH should provide advice and information, upon request from relevant parties (DT, parents, etc) but does not have a corporate parent role that they have for LAC.

136. When establishing the facts in relation to a suspension or permanent exclusion the governing board must apply the civil standard of proof, i.e., ‘on the balance of probabilities’ (it is more likely than not that a fact is true) rather than the criminal standard of ‘beyond reasonable doubt’.

137. In the light of its consideration, the governing board can either:

- decline to reinstate the pupil; or
- direct reinstatement of the pupil immediately or on a particular date

138. If a reinstatement meeting would make no practical difference because, for example, the pupil has already returned to school following the expiry of a suspension or the parents make clear they do not want their child reinstated, the governing board must still meet to consider whether the pupil should or would have been officially allowed back into the school. Ideally, a reinstatement meeting should happen as soon as possible and should ideally be held before the pupil is back in school.

139. If it decides against the reinstatement of a pupil who has been permanently excluded the parents can request an independent review.

Guidance on considering the reinstatement of a suspended or permanently excluded pupil

140. The governing board should agree the steps they will take to ensure all parties will be supported to participate in its consideration and have their views heard. This is particularly important where pupils aged under 18 years old are speaking about their own suspension or permanent exclusion or giving evidence to the governing board.

141. The governing board should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the governing board. These minutes should be made available to all parties on request and the record of discussion should state clearly how the decisions have been reached, which a clerk should be present for.

142. The governing board should ask all parties to withdraw from the meeting before making a decision. Where present, a clerk should stay to help the governing board by reference to their notes of the meeting and with the wording of the decision letter.

143. In reaching a decision on whether a pupil should be reinstated, the governing board should consider whether the decision to suspend or permanently exclude the pupil was lawful, reasonable, and procedurally fair. This should consider the welfare and safeguarding of the pupil and their peers, the headteacher’s legal duties, and any evidence that was presented to the governing board in relation to the decision to exclude.

144. The governing board should note the outcome of its consideration on the pupil's educational record, and copies of relevant papers should be kept with the educational record.

145. In cases where the governing board considers parents' representations but does not reinstate the pupil, it should consider whether it would be appropriate to place a note of its findings on the pupil's educational record.

146. Claims of discrimination to the First-tier Tribunal[70] (Special Educational Needs and Disability), in relation to disability, or County Court[71], for all other forms of discrimination, can be made up to six months after the discrimination is alleged to have occurred. Schools should retain records and evidence relating to an exclusion for at least six months in case such a claim is made.

Guidance to social workers and VSHs on attending the governing board meeting

Social workers

147. It is likely that pupils with a social worker have experienced or are experiencing adversity or difficulties. Social workers can provide important information and act as a voice for the pupil that helps the governing board understand the experiences of a pupil and their welfare.

148. Social workers should, as far as possible, attend the governing board meeting to share information. This should include helping to identify how the pupil's circumstances may have influenced the circumstances of the pupil's suspension or permanent exclusion and ensuring that safeguarding needs and risks and the child's welfare are taken into account.

Virtual School Heads

149. The VSH should, as far as possible, attend the governing board meeting to share information where the pupil is a looked-after child. This should include helping the governing board to understand the pupil's background and circumstances. They should also be able to advise the board on the possible contribution that the pupil's circumstances could have made to the suspension or permanent exclusion.

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[70] As with the county court for other types of discrimination, claims have to be brought within 6 months of the act to which the claim relates, and the tribunal has the power to consider claims after that time has passed if it considers it just and equitable to do so.

[71] Proceedings must be brought within 6 months of the date of the act to which the claim relates, although the county court has power to extend this period if it considers it just and equitable to do so.

The governing board's duty to notify people after its consideration of reinstatement[72]

150. Where legally required[73] to consider reinstating a suspended or permanently excluded pupil, the governing board must notify parents[74], the headteacher, and where relevant, the local authority, the pupil's social worker and/or the VSH of its decision, and the reasons for it, in writing and without delay. Where the pupil resides in a different local authority area from the one in which the school is located, the governing board must also inform the pupil's 'home authority'.

151. In the case of a permanent exclusion where the governing board decides not to reinstate the pupil, the governing board's notification must state that the exclusion is permanent and provide notice of parents' right to ask for the decision to be reviewed by an IRP and the following information:

- the date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the governing board's decision is given to parents – see paragraph 155)
- where and to whom an application for a review (and any written evidence) should be submitted
- that a request to hold the meeting via the use of remote access can be made and knows how and to whom to make this request to (further information on other information this should include can be found in Annex A: Key principles when conducting meetings via the use of remote access)
- that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's SEN are considered to be relevant to the permanent exclusion
- that, regardless of whether the permanently excluded pupil has recognised SEN, parents have a right to require the local authority/academy trust to appoint a SEN expert to advise the review panel
- details of the role of the SEN expert; and

[72] Paragraphs 150 to 155 gives guidance about section 51A Education Act 2002.

[73] In the case of a suspension which does not leave the pupil's total number of days of suspension above five in a term, or a suspension which leaves the total above five but up to 15 and where the parent or adult pupil does not make representations, the governing board are not required to inform parents about reinstatement.

[74] Parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

- that parents may, at their own expense, appoint someone to make written and/or oral representations to the panel

152. In addition to the right to apply for an IRP, if parents believe that there has been unlawful discrimination in relation to the permanent exclusion then 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.

153. A claim of discrimination under the Equality Act 2010 made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place (e.g. the day on which the pupil was permanently excluded).

154. The governing board may provide the information in paragraphs 150 and 151 by delivering it directly to parents in person or to their last known address or posting it first class mail to that address.

155. Notice is deemed to have been given on the same day if it is delivered or on the second working day after posting if it is sent by first class mail.

Providing information to parents[75] following its decision on reinstatement

156. The governing board should set out the reasons for its decision in sufficient detail to enable all parties to understand why the decision was made.

157. Where relevant, it will be for the governing board to confirm the details of where the parents' application for an IRP should be sent. This is normally the clerk of the IRP. The notice should make it clear that parents are entitled to bring a friend to the review.

158. In providing details of the role of the SEN expert, the governing board should refer to the statutory guidance provided to SEN experts in paragraphs 251 to 254. The notice should explain that there would be no cost to parents for this appointment and that parents must make clear if they wish for a SEN expert to be appointed in any application for a review.

159. Where the governing board declines to reinstate the pupil, it should draw the attention of parents to relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision. This information should be included in the letter notifying parents of a decision not to reinstate a permanently excluded pupil, in addition to the information set out in paragraph 95.

[75] Parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

Part eight: The governing board's duty to remove a permanently excluded pupil's name from the school register

The correct removal of pupils' names from the school admission register is critical to ensuring that permanent exclusions are carried out lawfully and that pupil movements can be effectively monitored. By carrying this role out properly, governing boards can reduce opportunities for the illegal off-rolling of children and make this issue easier to identify and tackle.

Guidance for governing boards on removing an excluded pupil's name from the school admission register[76]

160. The governing board must ensure that a pupil's name is removed from the school admission register if:

- 15 school days have passed since the parents were notified of the governing board's decision to not reinstate the pupil and no application has been made for an IRP; or
- the parents have stated in writing that they will not be applying for an IRP

161. The school cannot backdate the deletion of the pupil's name to the date the pupil's exclusion began.

162. Where an application for an IRP has been made within 15 school days, the school must wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register. Where a pupil's name is deleted from the school admissions register because of a permanent exclusion the school must make a return to the local authority.

163. The return must include:

- the pupil's full name and address
- the full name and address of any parent with whom the pupil normally resides

[76] Regulation 9(1)(o), 9(3)(e) and 9(5)(c) of the School Attendance (Pupil Registration) (England) Regulations 2024 set out the circumstances in which a permanently excluded pupil's name must be removed from the register. Regulation 13(4), (5) and (6) set out the information that must be submitted to the local authority.

- at least one telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency

- and the grounds upon which their name is being deleted from the admissions register (i.e. permanent exclusion)

- if the pupil's parent or parents have told the school that the pupil is going to live with one or more of them at a new address, the return must also include the new address, the name of the parent(s) the pupil is going to live with, and the date when the pupil is going to start living there

- if the pupil's parent or parents or someone else with control over the pupil's attendance have told the school that the pupil is already going to another school or is going to go to another school, or the school itself has directed or is going to direct the pupil off-site to another school, the return must also give the name of that school and the first date when the pupil first attended or is due to attend there

164. Where a pupil's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal (Special Educational Needs and Disability) or County Court has the power to direct that the pupil should be reinstated.

Guidance on providing exclusion data

165. In addition, within 14 days of a request, a governing board must provide to the Secretary of State and (in the case of maintained schools and PRUs) the local authority, certain information about any pupils suspended or permanently excluded within the last 12 months.[77]

Guidance to schools on marking attendance registers following permanent exclusion

166. Whilst a permanently excluded pupil's name remains on a school's admission register, the pupil must be marked using the appropriate attendance code. Where alternative provision has been made and the pupil attends it, an appropriate attendance code, such as Code D (Dual Registered - at another educational establishment) or Code B (Off-site educational activity, if the provision is an approved educational activity that does not involve the pupil being registered at any other school), should be used. Where pupils are not attending alternative provision, they should be marked absent using Code E.[78]

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[77] As set out in the Education (Information About Individual Pupils) (England) Regulations 2013.
[78] Regulation 10 of the School Attendance (Pupil Registration) (England) Regulations 2024 .

Guidance on common transfer files

167. Once the pupil's name has been deleted from the admission register and the pupil has been registered at a new school, the governing body of the former school should transfer the Common Transfer File (CTF) to the new school within 15 school days of the pupil ceasing to be registered at the former school, unless the governing body and the local authority have agreed that the local authority will do it[79].

Guidance to schools on sharing child protection information when a child is permanently excluded

168. Where pupils leave the school (including in year transfers) the designated safeguarding lead should ensure their child protection file is transferred to the new school or college as soon as possible, and within 5 days for an in year transfer or within the first 5 days of the start of a new term. This should be transferred separately from the main pupil file, ensuring secure transit, and confirmation of receipt should be obtained. Receiving schools and colleges should ensure key staff such as designated safeguarding leads and special educational needs coordinators (SENCOs) or the named person with oversight for SEN in colleges, are aware as required.

[79] Under Regulation 9(3) of the Education (Pupil Information) (England) Regulations 2005, the responsibility for transferring the CTF rests with the governing body of the school, unless the governing body and the local authority have agreed that the local authority will undertake this function. This legislation only applies if the school is a school maintained by a local authority.

Part nine: The local authority or academy trust's duty to arrange an IRP

IRPs contribute to a robust process of scrutiny to ensure that exclusions are lawful, reasonable, and procedurally fair. This section sets out how and when local authorities and academy trusts should organise such reviews when requested. Part 11 of this guidance provides information about how IRPs can be held via the use of remote access (for example, live video link) if requested by parents[80] due to extraordinary events or unforeseen circumstances.

Arranging a date and venue[81]

169. If applied for by parents within the legal time frame, the local authority or (in the case of an academy) the academy trust must, at their own expense, arrange for an IRP hearing to review the decision of a governing board not to reinstate a permanently excluded pupil.

170. The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the governing board of its decision not to reinstate a permanently excluded pupil (in accordance with the requirements summarised in paragraph 150); or

- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the permanent exclusion[82]

171. Any application made outside of the legal time frame must be rejected by the local authority/academy trust.

172. The local authority/academy trust must not delay or postpone arranging an IRP where parents also make a claim of discrimination in relation to the permanent exclusion to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court.[83]

173. Parents may request an IRP even if they did not make representations to, or attend, the meeting at which the governing board considered reinstating the pupil.

174. The local authority/academy trust must take reasonable steps to identify a date for the review that all parties, and any SEN expert appointed to give advice in person, are

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[80]Parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

[81] Paragraphs 169 to 177 gives guidance about section 51A Education Act 2002.

[82] The First-tier Tribunal (Special Educational Needs and Disability) and County Court have the jurisdiction to hear claims of discrimination under the Equality Act 2010 which relate to exclusions.

[83] In such circumstances, the Tribunal or Court may decide to delay its consideration until after the IRP process has been completed.

able to attend.[84] The review must begin within 15 school days of the day on which the parent's application for a review was made (panels have the power to adjourn a hearing if required).

175. The venue must be reasonably accessible to all parties.[85]

176. The local authority/academy trust must arrange a venue for hearing the review. Whatever the venue, the panel must hold the hearing in private unless the local authority/academy trust directs otherwise.

177. Where the issues raised by two or more applications for review are the same, or connected, the panel may combine the reviews if, after consultation with all parties, there are no objections.

Guidance to the local authority and academy trust on arranging a date and venue for a review

178. The local authority/academy trust should take all reasonable steps to ensure the venue for the review is appropriate and has a suitable area for the parties to wait separately from the panel before the review.

179. Where the issues raised by two or more applications for review are the same, or connected, but the panel does not combine the reviews, the local authority / academy trust should take reasonable steps to ensure fairness and consistency. Where possible, the same panel members should hear all related reviews.

Appointing panel members[86]

180. The local authority/academy trust must constitute the panel with either three or five members (as decided by the local authority/academy trust) representing each of the three categories below. A five member panel must be constituted with two members from each of the categories of school governors and headteachers.[87] These must be:

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[84] Where it is not possible to have in person representation by social workers or VSH, written statements should be provided as far as possible.

[85] When arranging a venue for the review, the local authority/academy trust must comply with its duties under the Equality Act 2010 and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the review (for example where a parent or pupil has a disability in relation to mobility or communication that impacts upon his/her ability to attend the meeting or to make representations).

[86] Paragraphs 180 to 183 gives guidance about section 51A Education Act 2002.

[87] Headteachers/principals/teachers in charge of a PRU and governors/management committee members of maintained schools, PRUs and Academies are eligible to be members of IRPs considering a permanent exclusion from any type of school covered by this guidance.

- 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 (of a maintained school, members of a PRU management committees and directors of academy trusts) who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or headteachers during that time

- headteachers or individuals who have been a headteacher within the last five years.

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

- are a member of the local authority, if the excluding school is a maintained school or a PRU

- are a director of the academy trust of the school, if the excluding school is an academy

- are the headteacher of the school who has permanently excluded the pupil or anyone who has held this position in the last five years

- are an employee of the local authority/academy trust, or the governing board, of the school who has permanently excluded the pupil (unless they are employed as a headteacher at another school)

- have, or at any time have had, any connection with the local authority/academy trust, school, governing board, parents or pupil, or the incident leading to the permanent exclusion, which might reasonably be taken to raise doubts about their impartiality (though an individual must not be taken to have such a connection simply because they are employed by the local authority/academy trust as a headteacher at another school); or

- have not had the required training within the last two years (see paragraph 207)

182. In relation to panel members appointed by the local authority, sections 173(4) and 174(1) of the Local Government Act 1972 apply when determining allowances for financial loss, travel, or subsistence. It is for the academy trust to determine its own payment arrangements for panel members.

183. The local authority/academy trust must make arrangements to indemnify panel members against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review which are taken in good faith.

Guidance to the local authority or academy trust on appointing IRP members

184. Care should be taken to avoid bias or an appearance of bias. The local authority/academy trust should request that prospective panel members declare any conflict of interest at the earliest opportunity.

185. Where possible, panel members who are governors or headteachers should reflect the phase of education (primary/secondary) and type of school from which the pupil was permanently excluded, for example: special school; boarding school; PRU; academy or maintained school.

186. The local authority/academy trust should consider whether the chair should be someone with a legal qualification or other legal experience. This is particularly important where a clerk will not be providing legal expertise to the panel.

187. To meet their duties within the statutory time frame, the local authority/academy trust should identify several eligible individuals in each of the different categories required to constitute an IRP in advance of an application for a review.

Appointing a clerk and the clerk's role[88]

188. The local authority/academy trust may appoint a clerk to provide advice to the panel and parties to the review on procedure, law and statutory guidance on suspensions and permanent exclusions.

189. Where appointed, the clerk must perform the following additional functions:

- make reasonable efforts to inform the following people that they are entitled to make written representations to the panel, attend the hearing and make oral representations to the panel and be represented:

    a. the parents or pupil if they are 18 years or older

    b. the headteacher

    c. the governing board; and

    d. the local authority (in the case of a maintained school or PRU)

- make reasonable efforts to circulate to all parties copies of relevant papers at least 5 school days before the review. These papers must include:

[88] Paragraphs 188 to 190 gives guidance about section 51A Education Act 2002.

a. the governing board's decision

b. the parents' application for a review; and

c. any policies or documents that the governing board was required to have regard to in making its decision

- give all parties details of those attending and their role, once the position is clear

- attend the review and ensure that minutes are produced following instructions from the panel

190. Where a clerk is not appointed, the functions in paragraph 189 become the responsibility of the local authority/academy trust.

Guidance to the local authority or academy trust on appointing an IRP clerk

191. The clerk should not have served as a clerk to the governing board in the meeting at which the decision was made by the governing board not to reinstate the pupil.

192. In addition to the training required by law, clerks should have an up to date understanding of developments in case law which are relevant to suspension and permanent exclusion.

193. Where a clerk is not appointed, the local authority/academy trust should consider what additional steps it may need to take to ensure that the IRP is administered properly.

Guidance to local authority or academy trust regarding the clerk's role on preparing for an independent review

194. The local authority/academy trust should ensure the clerk follows the advice below (paragraphs 195 to 206).

195. The clerk should identify in advance of the meeting whether the pupil (where they are under or over 18 years old) will be attending. Where a permanently excluded pupil is attending the hearing, consideration should be given in advance as to the steps that will be taken to support their participation. If the permanently excluded pupil is not attending, it should be made clear that they may feed in their views through a representative or by submitting a written statement.

196. The clerk should inform the parents of their right to bring a friend to the hearing.

197. To review the governing board's decision, the panel will generally need to hear from those involved in the incident, or incidents, leading to the permanent exclusion. The clerk should also try to ascertain whether an alleged victim, if there is one, wishes to be given a

voice at the review. This could be in person, through a representative or by submitting a written statement.

198. In the case of witnesses who are pupils of the school, it will normally be more appropriate for the panel to rely on written statements. Pupils may appear as witnesses if they do so voluntarily and, if they are under 18, with their parent's consent. In such cases, that pupil's parents should be invited to attend the meeting in support of their child.

199. Where character witnesses[89] are proposed, the clerk should seek the agreement of the panel; but this should be allowed unless there is good reason to refuse.

200. All written witness statements should be attributed, signed, and dated unless the school has good reason to wish to protect the anonymity of the witness, in which case the statement should at least be dated and labelled in a way that allows it to be distinguished from other statements.

201. The general principle remains that permanently excluded pupils are entitled to know the substance behind the reason for their permanent exclusion and the school should communicate this effectively with the pupil. Whilst carrying this out it is important to ensure that any reasonable adjustments are made and recognise that the pupil may have additional needs (e.g., speech, language and communication needs, cognition difficulties or EAL).

202. Parties (who are parents, the pupil if they are 18 years or older, the headteacher of the school, the responsible body, and the arranging authority) attending the hearing have the right to be represented. Representatives may make written or oral representations to the panel. If any of the parties wish to bring more than one friend or representative, the clerk should seek the panel's agreement in advance, having regard to a reasonable limit on numbers attending the review. All parents may attend if they wish to do so, and each can make representations and be represented.

203. In addition to written witness statements, the clerk should request written evidence from the school to circulate it in advance of the meeting, such as policies and documents of the school which the governing board would reasonably have been expected to take account of in reaching its decision on reinstatement.

204. Where the school's case rests largely or solely on physical evidence, and where the facts are in dispute, then the physical evidence, if practicable, should be retained and be available to the panel. Where there are difficulties in retaining physical evidence, photographs or signed witness statements should be used.

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[89] A character witness is someone who provides information not about the specifics of the incident(s) for which the pupil was permanently excluded but about the pupil's character and behaviour in general.

205. Where the headteacher who permanently excluded the pupil has left the school, the panel may use its discretion in deciding whether to also invite this person to make representations.

206. The clerk should notify the panel where requested documents have not been provided so that the panel can decide on whether to adjourn the hearing to allow for the documents to be provided.

Ensuring that panel members and clerks are trained[90]

207. The local authority/academy trust must ensure that all panel members and clerks have received training within the two years before the date of the review. This training must have covered:

- the requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions on disciplinary grounds (which would include an understanding of how the principles applicable in an application for judicial review relating to the panel's decision making)
- the need for the panel to observe procedural fairness and the rules of natural justice
- the role of the chair of a review panel
- the role of the clerk to a review panel
- the duties of headteachers, governing boards, and the panel under the Equality Act 2010
- the effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.

[90] Paragraph 207 gives guidance about section 51A Education Act 2002.

Appointing a SEN expert

Guidance to the local authority and the academy trust on appointing a SEN expert

208. If requested by parents with their application for an independent review, the local authority/academy trust must appoint a SEN expert to attend the review and must cover the associated costs of this appointment.

209. The local authority/academy trust must make arrangements to indemnify the SEN 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.

210. The parent or a pupil if they are 18 years or over have a right to request the attendance of a SEN expert at a review, regardless of whether the school recognises that their child has SEN.

211. The SEN expert's role is set out in paragraphs 251 to 254.

212. Individuals may not serve as a SEN expert if they have, or at any time have had, any connection with the local authority, academy trust, school, parents or pupil, or the incident leading to the permanent exclusion, which might reasonably be taken to raise doubts about their ability to act impartially. An individual should not be assumed to have such a connection simply because they are an employee of the local authority/academy trust. [91]

213. The SEN expert must be someone who has expertise and experience of special educational needs considered by the local authority/academy trust as appropriate to perform the functions specified in the legislation.

214. The SEN expert should be a professional with first hand experience in the assessment and support of SEN, as well as an understanding of the legal requirements on schools concerning SEN and disability. Examples of suitable individuals might include educational psychologists; specialist SEN teachers; SENCOs; and behaviour support teachers. Recently retired individuals are not precluded from fulfilling this role, though the local authority/academy trust would need to assure themselves that the individual had a good understanding of current practice and the legal requirements on schools in relation to SEN and disability. Additionally, they should also be able to demonstrate that they have experience working in schools.

215. Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, a local authority or academy trust, they should not have had any previous involvement in the assessment or support of SEN for the permanently excluded pupil, or siblings of the permanently excluded pupil. The local authority/academy

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[91] Paragraphs 208 to 217 gives guidance about section 51A Education Act 2002.

trust should request that prospective SEN experts declare any conflict of interest at the earliest opportunity.

216. The final decision on the appointment of a SEN expert is for the local authority/academy trust to make but it should take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEN expert. Where possible, this may include offering parents a choice of SEN experts. To meet its duties within the statutory time frame, the local authority/academy trust should consider maintaining a list of individuals capable of performing the role of SEN expert in advance of a request.

217. It is for the local authority/academy trust to determine the amount of any payment in relation to the appointment of the SEN expert, such as financial loss, travel, and subsistence allowances.

Part ten: The roles of IRP members, the clerk, the SEN expert, the social worker, and the VSH in the conduct of an independent review

The role of the IRP is to review the governing board's decision not to reinstate a permanently excluded pupil and identify what further action might need to be taken. This section offers guidance on how IRPs should be conducted, and the roles of relevant experts and advocates, to achieve this.

Guidance on the independent review process[92]

218. Panel members and, if appointed, the SEN expert must declare any known conflict of interest to the local authority/academy trust before the start of the review.

219. The role of the panel is to review the governing board's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel must consider the interests and circumstances of the permanently excluded 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.

220. Taking into account, the pupil's age and understanding, the pupil or their parents should be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make a representation on their own behalf if they desire to do so.

221. The panel must apply the civil standard of proof i.e., 'on the balance of probabilities' which means that it is more likely than not that a fact is true. This should be applied rather than the criminal standard of 'beyond reasonable doubt'.

222. Following its review, the panel can decide to:

- uphold the governing board's decision not to reinstate
- recommend that the governing board reconsiders reinstatement; or
- quash the governing board's decision and direct that the governing board reconsiders reinstatement

223. The panel's decision does not have to be unanimous and can be decided by a majority vote. In the case of a tied vote, the chair has the casting vote.

[92] Paragraphs 218 to 237 gives guidance about section 51A Education Act 2002.

224. The IRP's decision is binding on the: pupil; parents; governing board; headteacher; and local authority.

225. The panel may only quash a governing board's decision not to reinstate if it considers that the decision was flawed when considered in the light of the principles applicable to an application for judicial review (statutory guidance on this consideration is provided in paragraphs 244 to 248).

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

227. In deciding whether the governing board's decision was flawed, and 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 not to reinstate. 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.

228. 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 board reconsider reinstatement.

229. 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.

230. 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.

231. Where a VSH is present, the panel must have regard to any representation made by the VSH of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion or relevant to the pupil's permanent exclusion.

232. The jurisdiction of the First-tier Tribunal (Special Educational Needs and Disability) and County Court to hear claims of discrimination relating to a permanent exclusion does not preclude an IRP from considering issues of discrimination in reaching its decision.

233. If a panel directs a governing board to reconsider reinstatement it may order the local authority to adjust the school's budget or (in the case of an academy) the academy trust to make an equivalent payment to the local authority in whose area the school is located unless, within ten school days of receiving notice of the panel's decision, the governing board decides to reinstate the pupil. Paragraph 250 provides statutory guidance to panels on the circumstances under which this payment should not be ordered. The sum of this

adjustment/payment must be £4,000 and would be in addition to any funding that would normally follow a permanently excluded pupil. The panel does not have the power to order a financial readjustment or payment in circumstances where it has only recommended that the governing board reconsiders the reinstatement of the pupil.

234. The panel may adjourn on more than one occasion, if necessary. Consideration must be given to the effect of adjournment on the parties to the review, the permanently excluded pupil and their parents, and any victim(s).

235. A review cannot continue if the panel no longer has representation from each of the three categories of members required (see paragraph 180). In this event, the panel may be adjourned until the number can be restored.

236. Once a review has begun, no panel member may be substituted by a new member for any reason. Accordingly, if the required representation cannot be restored from the original members, a new panel must be constituted to conduct the review afresh. In the case of a five member panel, the panel may continue in the absence of any of its members, provided all three categories of members are still represented.

237. Following the review, the panel must issue written notification to all parties without delay. This notification must include:

- the panel's decision and the reasons for it
- where relevant, details of any financial readjustment/payment to be made if a governing board does not subsequently decide to offer to reinstate a pupil within ten school days; and
- any information that the panel has directed the governing board to place on the pupil's educational record

Guidance to IRP members on the conduct of an IRP

238. The chair should outline the procedure to be followed and explain to all parties that the panel is independent of the school, the local authority and (in the case of an academy) the academy trust. The panel should support all parties to participate in the review and ensure that their views are properly heard. The independent review should be conducted in an accessible, unthreatening, and non adversarial manner.

239. Where a SEN expert has been requested but is not present, the panel should make parents aware of their right to request that the review is adjourned until a SEN expert can attend.

240. It is for the panel to decide whether any witnesses should stay after giving evidence for the rest of the review, but they should not be present before giving evidence.

241. In the interests of fairness and transparency, care should be taken to ensure that no one, other than the clerk, is present with the panel in the absence of the other parties. This includes the SEN expert. The panel should ask everyone, apart from the clerk, to withdraw before the panel makes a decision. The clerk may stay to help the panel by referring to the notes of the meeting and providing advice on the wording of the decision letter.

242. Where parents are not seeking reinstatement for their child, this fact should be acknowledged by the panel, but it should not affect the conduct of the panel or its decision. Recording of the panel's findings on a child's educational record and an acknowledgement by the governing board that it would be appropriate for it to offer to reinstate the pupil are both potential outcomes in these circumstances.

243. If a panel cannot continue because it no longer has representation from each of the three categories of members required (see paragraph 180) it should, having regard to the circumstances and the effect on the parties, victim, and pupil/parent, adjourn to allow reasonable time for enough missing members to become available.

Guidance to IRP members on coming to a decision

244. The panel's decision should not be influenced by any stated intention of the parents or pupil not to return to the school. The focus of the panel's decision is whether there are sufficient grounds for them to direct or recommend that the governing board reconsider its decision that the pupil should not be reinstated.

245. Public law principles underpin good decision making. All decisions of a governing board must be made in accordance with public law. Panels are expected to understand the legislation that is relevant to suspensions and permanent exclusions and the legal principles that apply. Headteachers and governing board members of panels are likely to have first hand experience of the education context that may be relevant to considerations about whether a decision was reasonable in the circumstances.

246. When considering the governing board's decision in light of the principles applicable in an application for judicial review, the panel should apply the following tests:

- illegality – did the governing board act outside the scope of its legal powers in deciding that the pupil should not be reinstated?

- irrationality – did the governing board rely on irrelevant points, fail to take account of all relevant points, or make a decision so unreasonable that no governing board acting reasonably in such circumstances could have made it?

- procedural impropriety – was the governing board's consideration so procedurally unfair or flawed that justice was clearly not done?

247. Procedural impropriety means not simply a breach of minor points of procedure but something more substantive that has a significant effect on the quality of the decision making process. This will be a judgement for the panel to make, but the following are examples of issues that could give rise to procedural impropriety: bias; failing to notify parents of their right to make representations; the governing board making a decision without having given parents an opportunity to make representations; failing to give reasons for a decision; or being a judge in your own case (for example, if the headteacher who took the decision to exclude were also to vote on whether the pupil should be reinstated).

248. Where the criteria for quashing a decision not to reinstate has not been met, the panel should consider whether it would be appropriate to recommend that a governing board reconsiders its decision not to reinstate the pupil. This should not be the default option but should be used where evidence of procedural flaws has been identified that do not meet the criteria for quashing the decision, but which the panel believes justify a reconsideration of the governing board's decision. This could include when new evidence presented at the review hearing was not available to the governing board at the time of its decision.

249. In all other cases the panel should uphold the governing board's decision.

Guidance to IRP members on the financial readjustment or payment

250. In the case of a maintained school or PRU, where a panel has quashed the governing board's decision and directed that it reconsiders, the panel should order that a readjustment must be made to the school's budget, unless within ten school days of receiving notice of the panel's decision, the governing board decides to reinstate the pupil. In the case of an academy, where the panel has quashed the governing board's decision, the panel should order that the academy trust must make a payment directly to the local authority in whose area the academy is located, unless within ten school days of receiving notice of the panel's decision, the governing board decides to reinstate the pupil.

Guidance to SEN experts on their conduct during an independent review

251. The SEN expert's role is analogous to an expert witness, providing impartial specialist advice to the panel on how SEN might be relevant to the permanent exclusion. The SEN expert should base their advice on the evidence provided to the panel. The SEN expert's role does not include making an assessment of the pupil's special educational needs.

252. The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies in relation to the permanently

excluded pupil, were lawful, reasonable, and procedurally fair (in line with the guidance to panels in paragraph 246). If the SEN expert believes that this was not the case, they should, where possible, advise the panel on the possible contribution that this could have made to the circumstances of the pupil's permanent exclusion.

253. Where the school does not recognise a pupil as having SEN, the SEN expert should 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 SEN that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's permanent exclusion.

254. The SEN expert should 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.

Guidance to social workers on their attendance at an independent review

255. The focus of the social worker's advice should be on whether the pupil's welfare, safeguarding needs and risks were considered in the lead up to the permanent exclusion. If the social worker believes that this was not the case, they should, where possible, advise the panel on the contribution that the pupil's needs could have made to the circumstances of the pupil's permanent exclusion.

Guidance to VSHs on their attendance at an independent review

256. The focus of the VSH role for any LAC should be on helping the panel consider whether the child's background and educational needs were considered by the headteacher in the lead up to the permanent exclusion, including whether any additional support to the pupil could be provided to improve their behaviour and avoid exclusion where possible. If the VSH believes that this was not the case, they should, where possible, advise the panel on the contribution that the pupil's needs could have made to the circumstances of the pupil's permanent exclusion.

Guidance to the clerk and local authority or academy trust on the record of the proceedings of a review panel

257. The clerk to a review panel should ensure that minutes of the proceedings are taken, including details of the attendance, the voting, and the decision.

258. The minutes are not public documents but should be retained by the local authority/academy trust for a period of at least five years, as they may need to be seen by

a court or (in the case of maintained school) by the Local Government and Social Care Ombudsman.

259. The local authority/academy trust should be aware of its duties under the Freedom of Information Act 2000, the Data Protection Act 2018, and the General Data Protection Regulation (EU) 2016/679 as it forms part of UK law (the UK GDPR) when retaining information.

Guidance to the IRP and clerk on notifying parties of the outcome of the review

260. If the panel upholds the governing board's decision not to reinstate, the clerk should immediately report this to the local authority (who should inform, where a pupil has one, the social worker and VSH), and notify the parents[93] and the governing board. If the pupil lives outside the local authority area in which the school is located, the clerk should make sure that the 'home authority' is also informed in writing of the outcome of the review without delay. This includes any situation where parents withdraw or abandon their application for a review.

[93] Parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

Part eleven: Requests for remote access meetings for governing board meetings or IRPs

Parents (if the pupil is under 18) or excluded pupils (if they are aged 18 years or older) can request a meeting to be held via the use of remote access[94] but this should not be a default option. Governing boards or arranging authorities must hold the meeting via the use of remote access, if the request has been made correctly as set out in the headteacher's written notification (described in paragraph 83) or the governing board's written notification to the parents [95] that they can request an IRP (described in paragraph 151). Holding meetings via remote access must only be done if governing boards or arranging authorities are satisfied[96] that the meeting is capable of being held fairly and transparently (described in paragraphs 269 and 270).

Remote access meeting duties

261. If a governing board meets to consider and decide on reinstatement of a suspended or permanently excluded pupil via the use of remote access, this must happen within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher. Further information can be found in paragraph 116.

262. If an IRP meeting is to be held face to face or via the use of remote access, the local authority/academy trust must take reasonable steps to identify a date for the review that all parties, and any SEN expert appointed to give advice, are able to attend or join. The review must begin within 15 school days of the day on which the parent's application for a review was made (panels have the power to adjourn a hearing if required).

263. Where a parent does not request a remote meeting or does not state a wish either way, governing boards and arranging authorities must hold the meeting in person[97] (information can be found in part seven, nine and eleven of this guidance) unless it is not reasonably practicable to do so in person for a reason related to extraordinary events or unforeseen circumstances such as an unforeseen school closure due to floods, fire or outbreak of infectious illness/disease.

264. If there are technological or internet network issues, during a meeting held via the use of remote access which compromises the ability for participants to be seen or heard or prevents the meeting from being held fairly and transparently and it is not reasonably

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[94] The term remote access meeting within this guidance refers to a meeting arranged by the governing board or arranging authority that is carried out via electronic means such as a live video link.

[95] Parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

[96] 'Participants' means those intending to take part in the meeting.

[97] Except for Social Workers and VSHs being allowed to join remotely, as mentioned in paragraph 266 if the conditions are met.

practicable to resolve, a face to face meeting must be arranged by the governing board or arranging authority, despite the parent's request. This should be done without delay.

265. Where a governing board or an arranging authority has safeguarding concerns in agreeing to a parent's request for a remote meeting as a result of any risk assessment they have undertaken, they can, in such circumstances, refuse to hold a meeting through the use of remote access if, as a result of the safeguarding concern, a remote meeting will not fully enable the participants to take part or cannot be held fairly and transparently. The meeting should be held face to face instead. In taking such a decision, the governing board or an arranging authority needs to ensure that the conditions as described in paragraphs 273 are always met.

266. Social workers and VSHs must be allowed to join a meeting via the use of remote access, regardless of the format chosen, as long as the governing board (for a governing board meeting) or arranging authority (for an IRP) are satisfied that they will be able to participate effectively, they can hear and be heard (and see and be seen if participating by video) throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent. Further information can be found in paragraphs 269 and 270.

267. Governing boards, arranging authorities and panel members must:

- comply with relevant equalities legislation
- enable access to support which the parent is entitled to, including the presence of a friend

268. Governing boards, arranging authorities and panel members should ensure the following conditions are met for a meeting via remote access:

- confirm with all the participants that they have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, such as via a live video link
- ensure all the participants will be able to put across their point of view or fulfil their function
- ensure the remote meeting can be held fairly and transparently

Fairness and transparency during a meeting held via the use of remote access

269. The governing board or arranging authority must assess whether a meeting can be held fairly and transparently via remote access with reference to the facts of each case. Further information on key principles to consider when conducting and running

meetings via the use of remote access can be found in Annex A of the guidance.

270. If a governing board or arranging authority is not satisfied that a meeting can be held fairly and transparently via remote access, they should consult with the parent to discuss how a face to face meeting can be arranged that will be convenient for them.

Guidance for Social Workers and VSHs

271. Should Social Workers or VSHs be joining a meeting that, as a whole, is taking place in person, they must be allowed to join via the use of remote access should they wish to do so.

Use of remote access during an extraordinary event or unforeseen circumstance

272. If there is a reason related to extraordinary events or unforeseen circumstances, such as an outbreak of infectious illness/disease, which means that it is not reasonably practicable for a governing board meeting or IRP to be held in person; then this meeting may be held using remote access even if the parent has not asked for the meeting to be remote.

273. The meeting may be held via the use of remote access, provided the governing board or arranging authority are satisfied that all participants will be able to fully make representations and carry out their functions, each participant has access to the electronic means to allow them to hear and be heard and (where using a live video link) see and be seen, throughout the meeting; and the meeting is capable of being held fairly and transparently.

Part twelve: The governing board's duty to reconsider reinstatement following a review

When an IRP directs or recommends a pupil's reinstatement, the governing board has the opportunity to look at the pupil's reinstatement afresh. This section offers guidance on how this reconsideration should be undertaken and the necessary next steps.

Guidance on the governing board's duty to reconsider reinstatement following a review[98]

274. Where the panel directs or recommends that the governing board reconsider whether a pupil should be reinstated, the governing board must reconvene to do so within ten school days of being given notice of the panel's decision. Notice is deemed to have been given on the day of delivery if it is delivered directly or on the second working day after posting if it is sent by first class mail.

275. It is important that the governing board conscientiously reconsiders whether the pupil should be reinstated, whether the panel has directed or merely recommended it to do so. Whilst the governing board may still reach the same conclusion as it first did, it may face challenge in the courts if it refuses to reinstate the pupil, without strong justification.

276. Following a direction to reconsider, unless within ten school days of receiving notice of the panel's decision the governing board decides to reinstate the pupil, an adjustment will be made to the school's budget in the sum of £4,000 if the panel has ordered this. In the case of an academy, the school will be required to make an equivalent payment directly to the local authority in whose area the school is located. This payment will be in addition to any funding that would normally follow a permanently excluded pupil.

277. If the governing board offers to reinstate the pupil within the specified timescale but this is declined by the parents, no budget adjustment or payment can be made. The governing board must comply with any direction of the panel to place a note on the pupil's educational record.

278. The clerk must also note, where a pupil is reinstated following a direction or recommendation to reconsider, or would have been reinstated if it had been practical to do so, the permanent exclusion does not count towards the rule that an admission authority may refuse to admit a child who has been permanently excluded twice; nor, in the case of a community or voluntary controlled school, does it count for the purposes of the rule that the governing board may appeal against the decision of the local authority as the admission authority to admit the child.

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[98] Paragraphs 278 to 283 gives guidance about section 51A Education Act 2002.

279. In the case of either a recommended or directed reconsideration, the governing board must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:

- the parent or a pupil if they are 18 years or over
- the headteacher
- the local authority; and, where relevant, the ‘home authority’

280. The reconsideration provides an opportunity for the governing board to look afresh at the question of reinstating the pupil, in light of the findings of the IRP. There is no requirement to seek further representations from other parties or to invite them to the reconsideration meeting. The governing board is not prevented from taking into account other matters that it considers relevant. It should take care to ensure that any additional information does not make the decision unlawful. This could be the case, for example, where new evidence is presented, or information is considered that is irrelevant to the decision at hand.

281. The governing board should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the governing board. These minutes should be made available to all parties on request.

282. The governing board should ask any parties in attendance to withdraw before making a decision. Where present, a clerk may stay to help the governing board by reference to their notes of the meeting and with the wording of the decision letter.

283. The governing board should note the outcome of its consideration on the pupil's educational record, and copies of relevant papers should be kept with the educational record.

284. The governing board should base its reconsideration on the presumption that a pupil will return to the school if reinstated, regardless of any stated intentions by the parents or pupil. Any decision of a governing board to offer reinstatement which is subsequently turned down by the parents should be recorded on the pupil’s educational record. The governing board’s decision should demonstrate how they have addressed the concerns raised by the IRP.

Part thirteen: The local authority's role in overseeing the financial readjustment or payment[99]

In certain cases, a transfer of funding will take place to ensure that the right resources and support follows a pupil following their permanent exclusion. This section sets out when the local authority is responsible for arranging such funding transfers.

Guidance to the local authority on overseeing the transfer of funding following a permanent exclusion

285. The local authority cannot require a maintained school or academy to make any additional payments following a permanent exclusion, other than the budget share deductions set out in regulations, or the payments which an academy has to make under its funding agreement.[100]

286. The local authority will be responsible for adjusting the budget share for maintained schools and PRUs with delegated budgets if a pupil is permanently excluded, so funding follows the pupil. The process and requirements are set out in the School and Early Years Finance (England) Regulations[101], issued on an annual basis.

287. A local authority may ask an academy trust to enter into an arrangement for the transfer of funding for a pupil who has been permanently excluded, on the same basis as if the academy were a maintained school. The academy trust may be obliged under its funding agreement to comply with such a request.

288. If a review panel has ordered a financial adjustment, the local authority will be responsible for reducing the budget share for the excluding school by a further £4,000. If the excluding school is an academy, the academy trust must pay £4,000 to the local authority.

289. If a review panel has made a financial adjustment order and the excluded pupil is given a place at another school, including a PRU, ('the admitting school'), the local authority may, if it chooses, pass any or all of the amount of the financial adjustment (i.e., up to £4,000) to the admitting school.

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[99] Paragraphs 285 to 291 gives guidance about section 51A Education Act 2002. The requirements for the transfer of funding following an exclusion from a maintained school or PRU are set out in the Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999. Academy funding agreements may require an academy to enter into a similar agreement with the local authority.

[100] This does not include circumstances where a school has voluntarily entered into a separate legally binding agreement with the local authority.

[101] The School and Early Years Finance (England) Regulations 2021.

290. This financial readjustment should be made within 28 days of notification of a direction from the panel. The academy trust should be expected to make the payment to the local authority in which the academy is located within the same timescale.

291. If an academy fails to comply with its legal requirement to pay following a direction from an IRP, then the local authority will be responsible for enforcing this requirement. The local authority should also inform the Education and Skills Funding Agency.

Part fourteen: Statutory guidance to the headteacher, governing board and IRP members on police involvement and parallel criminal proceedings

Police involvement and parallel criminal proceedings against a pupil may affect how the exclusion and its review process are conducted, although they must always remain lawful, reasonable, and procedurally fair. This section offers guidance to headteachers, governing boards, and IRPs when this is the case.

Guidance for headteachers, governing boards and IRPs on police involvement and parallel criminal proceedings

292. The headteacher need not postpone taking a decision on a suspension and permanent exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the headteacher will need to take a decision on the evidence available to them at the time (please see paragraphs 24 and 25 in this guidance). In all cases, schools should follow general safeguarding principles as found in Keeping children safe in education.

293. Where the evidence is limited by a police investigation or criminal proceedings, the headteacher should consider any additional steps they may need to take to ensure that the decision to suspend or permanently exclude is fair. The final decision on whether to suspend or permanently exclude is for the headteacher to make.

294. Where the governing board is required to consider a reinstatement in these circumstances, it cannot postpone its meeting and must decide whether or not to reinstate the pupil on the evidence available.

295. The fact that parallel criminal proceedings are in progress should also not directly determine whether an IRP should be adjourned. Relevant factors for the panel to consider will include:

- whether any charge has been brought against the pupil and, if so, what the charge is
- whether relevant witnesses and documents are available
- the likely length of delay if the hearing were adjourned and the effect it may have on the suspended or permanently excluded pupil, the parents, any victim, or the school; and
- whether an adjournment or declining to adjourn might result in injustice

296. Where a panel decides to adjourn, the clerk (or local authority/academy trust where a clerk is not appointed) should monitor the progress of any police investigation and/or criminal proceedings and reconvene the panel at the earliest opportunity. If necessary, the panel may adjourn more than once (in line with the requirements summarised in paragraph 234).

Annex A: Key principles when conducting meetings via the use of remote access

Things to consider

Headteachers and governing boards may advise the parent or pupil (if they are over 18 years old), within their written notification, to consider the following, before requesting a remote access meeting:

- the technology that will be used for the governing board or IRP
- do the parent or excluded pupil (if they are over 18 years old) have an appropriate space free from other distractions to enable them to participate fully with a remote access meeting?
- where the parent or excluded pupil (if they are over 18 years old) have limited access to the Internet, intermittent service or slower speed internet, they should not request a remote meeting for a governing board or IRP
- where the parent or excluded pupil (if they are over 18 years old) initially ask for a meeting to be held via the use of remote access then decide to withdraw the request, they should inform the governing board or arranging authority without delay. The governing board or arranging authority should without delay, arrange the meeting to be held face to face

It is important to note that headteachers and governing boards should not place undue pressure on the parent or excluded pupil (if they are over 18 years old) to request a meeting to be held via the use of remote access, even if doing so means that they will arrange a meeting any sooner.

Running the meeting via the use of remote access

To ensure the meeting is capable of being held fairly and transparently, the governing board or arranging authority for IRPs should make every effort to check all participants understand the proceedings and be made aware of how to raise any issues that may prevent their effective engagement. If these conditions are not met, the meeting should not be held via remote access and must be arranged face to face without delay.

Things to consider

To help meetings run smoothly and ensure they are accessible to any participants, governing boards and IRPs should:

- provide clear instructions about how to join the meeting virtually, and distribute the joining instructions in a timely manner ahead of the meeting
- indicate a named person who parents, excluded pupils (if they are over 18 years old) or any participant should contact, if they have any questions before the meeting takes place
- consider holding a ‘test meeting’ with any participant to check the available technology is suitable, and that all participants understand how to access the meeting
- ensure that the chair of governors or IRP is prepared to explain the agenda at the start and provide clear guidance on how the meeting will be run, for example:
    - how participants should indicate they wish to speak
    - how any ‘chat’ functions should be used
    - whether there will be any breaks in proceedings
    - how parents and excluded pupils can access advocacy services during the meeting

Things to remember

The use of remote access does not alter other procedural requirements that apply to governing boards, arranging authorities or IRPs. For example, if a parent requests the appointment of a special educational needs expert to advise a review panel, the arranging authority must appoint one and cover the cost as normal. Parents or excluded pupils (if they are 18 years old or older) may be joined by a friend as normal.

The governing boards and IRPs must consider written representations if they are made. The law does not allow for solely paper based ‘meetings’, conducted in writing.

For the purposes of which information is recorded within minutes, the normal rules apply as per this guidance, and the governing board and IRP can instruct the clerk to record any information or instructions that they deem sensible to include so that the minutes provide a clear and sufficient record of all relevant parts of the meeting, for example, how chat functions or messages will be monitored.

Annex B: Further information

Guidance	Link
Behaviour in Schools	Behaviour in Schools
Guidance for parents and carers on behaviour, suspension and permanent exclusion	A guide for parents on school behaviour and exclusion
Mobile Phones in Schools	Mobile phones in schools - GOV.UK (www.gov.uk)
Governance handbook and competency framework	Maintained schools governance guide Academy Trust governance guide
Alternative Provision	Arranging Alternative Provision - A Guide for Local Authorities and Schools Education for children with health needs who cannot attend school
Mental health in schools	Mental health and behaviour in schools
Children with Special Educational Needs and Disabilities	SEND Code of Practice: 0 to 25 years Children with special educational needs and disabilities (SEND)
Departmental Advice on attendance	Working together to improve school attendance
Departmental Advice on safeguarding and child protection	Keeping children safe in education Children Missing Education Working Together to Safeguard Children
Departmental Advice on Promoting the education of looked-after and previously looked-after children	Promoting the education of looked after and previously looked after children The designated teacher for looked-after and previously looked-after children
Sharing and publishing information	School to school service: how to transfer information What maintained schools must or should publish online What academies and further education colleges must or should publish online

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