



Suspension and Permanent Exclusion Policy

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Within this policy the term CEO refers to the CEO of the Trust. The term Headteacher refers to the Headteacher of the School.

The Trustees of the Twynham Learning Trust (the Trust) are Charity Trustees and Company Directors and for the purpose of this policy these terms are interchangeable.

This policy reflects the legislation at the time that it was last reviewed. Any changes in legislation will take precedence over anything printed in this policy.

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1. Aims

This aims of this policy are to:

- Ensure that all suspensions and permanent exclusions are carried out lawfully;
- Ensure that all suspensions and permanent exclusions are applied fairly and consistently;
- Prevent any incidents of unlawful 'off-rolling' as defined in Section 4.10 of this policy

At Twynham Learning we believe that good behaviour and discipline are essential to ensure that all pupils can benefit from the opportunities provided by education. Amongst other disciplinary sanctions, the school recognises suspensions, permanent exclusions, and off-site direction are essential behaviour management tools for Headteachers and can be used to establish high standards of behaviour and maintain the safety of our school communities. Permanent exclusions will be used as a last resort when there has been a serious breach, or consistent breaches, of the TL behaviour Strategy or of the school's Behaviour Policy, or where allowing the pupil to remain in school would be damaging to the education and/or welfare of themselves or others. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in a safe, calm and supportive environment.

This guidance applies to all pupils, including those who may be below or above compulsory school age, and for those attending nursery classes or school sixth forms.

A “suspension” is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.

An “exclusion” is defined as the permanent removal of a pupil from the school, in response to a serious breach or persistent breaches of the school’s Behaviour Policy or TL Behaviour Strategy, and where allowing the pupil to remain in school would seriously harm the education and/or welfare of the pupils or staff in the school.

“Off-site direction” is defined as a process whereby the pupil is required to attend another education setting for a fixed period ‘to ensure students can learn in a safe, calm and supportive environment and can also be used as an intervention to improve behaviour.

2. Legal framework

This policy is based on statutory guidance from the Department for Education (DfE) (2024): ‘Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement’

It is also based on the following legislation, which outline schools’ powers to exclude pupils:

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2024
- The European Convention on Human Rights (ECHR)

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

- DfE (2024) ‘Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement’
- DfE (2024) ‘Behaviour in Schools’
- DfE (2015) ‘Special educational needs and disability code of practice: 0 to 25 years’
- DfE (2018) ‘Mental health and behaviour in schools’
- DfE (2023) ‘Summary of responsibilities where a mental health issue is affecting attendance’
- DfE (2023) ‘Arranging education for children who cannot attend school because of health needs’
- DfE (2025) Arranging Alternative Provision

This policy operates in conjunction with the following school (S) and Trust-wide (T) policies:

- Behaviour Strategy (T)
- Drug and Alcohol Policy (T)
- Anti-Bullying Policy (S)

- Special Educational Needs and Disabilities (SEND) Policy (T)
- Child Protection and Safeguarding Policy (T)

3. Grounds for suspension or permanent exclusion

The school will only suspend or permanently exclude a student where it is absolutely necessary as detailed in each school's Behaviour Policy. All suspensions and permanent exclusions will only be issued on disciplinary grounds.

The following examples of behaviour may warrant the decision to suspend or permanently exclude a pupil:

- 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
- Bullying
- Discriminatory abuse, e.g., racist, homophobic, biphobic, transphobic or ableist abuse
- Use, handling or supply of drugs or alcohol, or other breaches of the Drug and Alcohol Policy (T)
- Persistent disruptive behaviour
- Damage/vandalism to school property
- Sexual misconduct
- Inappropriate use of social media or online technology
- Theft

It would be unlawful to suspend or permanently exclude a pupil simply because they have SEND that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; or the failure of a pupil/parent to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.

Pupils can be suspended on a fixed-period basis, i.e., up to 45 school days within a year, or permanently excluded. 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, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

A permanent exclusion will be taken as a last resort, where no other form of sanction would be reasonable in the circumstances.

In all cases, the Headteacher will decide whether a pupil will be subject to a suspension or permanent exclusion, depending on what the circumstances warrant.

4. The Headteacher's power to suspend or permanently exclude

1. Only the Headteacher can suspend or permanently exclude a pupil from the school on disciplinary grounds.
2. A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion.

3. Any decision of a Headteacher, including suspension or permanent exclusion, will be made in line with the principles of administrative law, i.e., that it is: lawful; reasonable; fair; and proportionate.
4. Any decision made to suspend or permanently exclude a pupil will consider the school's wider legal duties, including the ECHR, The Equality Act 2010 and the DfE: 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds.
5. When establishing the facts in relation to a suspension or permanent exclusion decision the Headteacher will 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.'
6. The Headteacher will take account of their legal duty of care when sending a pupil home following a suspension or permanent exclusion.
7. A suspension does not have to be for a continuous period.
8. 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. Lunchtime suspensions are counted as half of a school day.
9. 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 (S) and Behaviour Strategy (T); 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.
10. The Headteacher will not issue any 'informal' or 'unofficial' suspensions or permanent exclusions, e.g., sending a student home to 'cool-off', regardless of whether or not the parents have agreed to this. The Headteacher will not use the threat of suspension or permanent exclusion as a means of instructing parents to remove their child from the premises or exercise 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 to find another school place. 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'.
11. All suspensions and permanent exclusions will be formally recorded on the school's management information system.

Cancelling suspensions and permanent exclusions

12. The Headteacher may cancel any suspension or permanent exclusion that has already begun, but this may only be done where it has not yet been reviewed by the Twynham Learning Hearings Panel.
13. Where a suspension or permanent exclusion is cancelled, then:
 - Parents, the Twynham Learning Hearings Panel, and the LA will be notified without delay and, if relevant, the social worker and Virtual Schools Head;
 - Parents will be offered the opportunity to meet with the Headteacher to discuss the circumstances that led to the suspension or permanent exclusion being cancelled;
 - Schools should report to the Academy Trust once per term on the number of suspensions and permanent exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling them to have appropriate oversight; and
 - The pupil will be allowed back into school.

5. Factors to consider before making a decision to suspend or permanently exclude a pupil

When considering the suspension or permanent exclusion of a pupil, the Headteacher will:

14. Take the pupil's views into account, considering these in light of their age and understanding, unless it would not be appropriate to do so. Where relevant, the pupil will be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker.
15. Take into account any contributing factors that are identified after an incident of misbehaviour has occurred, e.g., if a pupil's wellbeing has been compromised, or they have been subjected to bullying.
16. Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction.
17. Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.
18. Consider what extra support may be available for particular pupil groups whose suspension and permanent exclusion rates are higher.
19. Use their 'best endeavours' to ensure the appropriate special education provision is made for pupils with SEND or an EHCP. Where the school has concerns about the behaviour of a pupil with SEND or an EHCP they will consider what 'reasonable adjustments', additional support or alternative placement may be required. Schools will contact the LA at an early stage and consider requesting an early annual review meeting prior to making the decision to suspend or permanently exclude.
20. School is a protective factor for children with a social worker. Headteachers will balance this important reality with the need to ensure calm and safe environments for all pupils and staff.
21. When a pupil with a social worker or a looked after child (LAC) is at risk of suspension or permanent exclusion, the Headteacher and the Designated Teacher (DT) will inform their social worker and the local authority's Virtual School's Head (VSH) as early as possible.

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

22. 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 Twynham Learning Hearings Panel 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. All schools must have regard for the DfE Guidance: Keeping Children Safe in Education.
23. Ultimately, any decisions are for the school to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.
24. Section 5 of Keeping Children Safe in Education sets out the safeguarding process for cases of reports that relate to rape or assault by penetration and those that lead to a conviction or caution: "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 found in Keeping Children Safe in Education.

6. Preventive measures

Before taking a final decision to suspend or permanently exclude, the Headteacher will consider whether it is in the best interests of all parties to initiate off-site direction as a preventative measure to suspension or permanent exclusion.

The nature of the intervention, its objectives, and the timeline to achieve these objectives will be clearly defined and agreed with the provider upfront. The plan will 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

25. The Academy Trust may use their general powers to require a pupil to attend another education setting to ensure students can learn in a safe, calm and supportive environment and can also be used as an intervention to improve behaviour.
26. Off-site direction will be used to arrange time-limited placements. This could also include a pupil splitting time between 2 different locations. This should only be used when it is the best way to support a pupil's behaviour. This arrangement is commonly known as off-site direction. During the off-site direction, pupils will be dual registered.
27. The Headteacher will notify parents, and the LA if the pupil has an EHCP, in writing with information about the placement.
28. The school will keep any off-site placements under review by holding review meetings at intervals deemed appropriate by the Headteacher; the Headteacher will ensure, where possible, that review meetings are convened at a time suitable for the pupil's parents, and will invite parents to each review meeting. Where parents request, in writing, that the Headteacher hold a review meeting, the Headteacher will arrange review meetings in response, as soon as is reasonably practicable, unless there has been a review meeting in the previous 10 weeks.
29. The Headteacher will decide at each review meeting whether the arrangement will continue and for what period of time; the meeting will also decide arrangements for further reviews. Reviews will be recorded in writing, including any decisions made regarding the placement.

Managed moves

30. A managed move should only be offered as a permanent transfer and only when the pupil has been attending the proposed new school under an off-site direction and a review of the direction has established that the pupil has settled well into the school and should remain there on a permanent basis. Under exceptional circumstances, such as a safeguarding concern, it may be appropriate for a pupil at any mainstream school to transfer to another mainstream school as a managed move, but this should only happen when it is in the pupil's best interest.
31. Managed moves are a permanent move, voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. 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 at an early stage. If the local authority, both schools and parents are in agreement that there should indeed be a managed move. The local authority will need to follow the statutory procedures for amending a plan.
32. If a parent believes that they are being pressured into a managed move or is unhappy with a managed move, they can take up the issue through the official school complaint procedure with the governing board and the local authority. Within the school inspections framework²¹, under leadership and management, Ofsted will consider any evidence found of a parent being pressured into a managed move as off-rolling and is likely to judge a school as inadequate.

7. Roles and responsibilities

The Headteacher's responsibilities

Informing parents

33. Following the Headteacher's decision to suspend or permanently exclude a pupil, they (or a suitable member of staff delegated by the Headteacher) will, without delay, notify parents, in person or by telephone, of the period of the suspension or permanent exclusion and the reasons for this.
34. The Headteacher will inform the parents in writing (or electronically, if written permission has been received from the parents for notices to be sent this way) of the following:
- 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
 - Their right to raise any representations about the suspension or permanent exclusion to the Twynham Learning Hearings Panel, including how the pupil will be involved in this and how representations will be made
 - Their right to attend a meeting, where there is a legal requirement for the Twynham Learning Hearings Panel to consider the suspension or permanent exclusion, and the fact that they are able to bring an accompanying individual
 - Their right to make a request to hold the meeting via the use of remote access and how and to whom to make this request
 - The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
 - Relevant sources of free, impartial information.
35. Where a suspended or permanently excluded pupil is of compulsory school age the Headteacher (or a suitable member of staff delegated by 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. 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. Parents must be notified 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.
36. If alternative provision or off-site direction is being arranged, the following information will be included when notifying parents of an exclusion:
- The start and end date and time for any provision of full-time education
 - The address at which the provision will take place
 - Any information necessary for the pupil to identify the person they should report to on the starting date.
37. Where this information on alternative provision or off-site direction is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided 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 an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent. The failure of a Headteacher to give notice of the information 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.
38. 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, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension. 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 notice to parents and the social worker.

Informing social workers and Virtual Schools Head

39. Whenever a Headteacher suspends or permanently excludes a pupil they will, without delay, after their decision, also notify the social worker, in writing, if a pupil has one, and the VSH, if the pupil is a LAC, of the period of the suspension or permanent exclusion and the reason(s) for it.
40. Social workers and/or the VSH will also be informed when a meeting of the Twynham Learning Hearings Panel is taking place, and will be invited to attend the meeting should they wish to do so.
41. Social workers and/or the VSH must be allowed to join a meeting or IRP via the use of remote access regardless of the format chosen, as long as the Twynham Learning Hearings Panel or Academy Trust (for an independent 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.

Informing the Chair of the LAB and the Academy Trust

42. The Headteacher must, without delay, notify the Director of Education, Director of Inclusion, Chair of the LAB and Chair of the Academy Trust of:
 - Any permanent exclusion
 - 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 exclusion which would result in the pupil missing a public examination or national curriculum test
 - Any suspensions or permanent exclusions which have been cancelled

Informing the local authority (LA)

43. The Headteacher must notify the LA without delay through Synergy of all school suspensions and permanent exclusions regardless of the length.
44. For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Headteacher will also immediately inform the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay.

The Twynham Learning Hearings Panel's responsibilities

A Twynham Learning Hearings Panel will undertake the following responsibilities:

45. Ensuring parents and pupils are aware of their right to consideration by the Twynham Learning Hearings Panel.
46. Considering parents' representations about suspensions and permanent exclusions within 15 school days of receiving notice if the appropriate requirements are met.
47. Where a suspension or permanent exclusion would result in a pupil missing a public examination or test, considering the suspension or permanent exclusion before this date.
48. Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
49. Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

50. Taking into account the pupil's age and understanding, making the pupil or their parents aware of their right to attend and participate in the meeting and that the pupil should be enabled to make a representation on their own behalf if they wish to do so.
51. Adhering to its responsibilities to consider the reinstatement of pupils.
52. Considering the interests and circumstances of the suspended or permanently excluded pupil, including the circumstances in which they were suspended or permanent excluded, and have due regard to the interests of others at the school.
53. Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or permanent exclusion.
54. Ensuring clear minutes are taken of the representation meeting.
55. Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
56. Notifying the pupil's parents, the Headteacher and the LA of its decision and the reasons for it, without delay. The Chair of the LAB and the Governance Manager must also be informed and, in turn, will report the outcome to the LAB and Academy Trust.
57. Appointing a Clerk to provide advice to the relevant panel and parties on procedure, law and statutory guidance on suspensions and exclusions.
58. Where appropriate, informing parents of how to apply for an independent review panel
59. Informing parents of relevant sources of information.
60. Ensuring a pupil's name is removed from the school admissions register, where appropriate.
61. Reconvening within ten school days to reconsider reinstatement of a pupil where directed to do so by an independent review panel.

The Clerk to the Hearing Panel's responsibilities

The Clerk to the Hearing Panel is responsible for:

62. Informing the appropriate individuals that they are entitled to:
 - Make written representations to the panel.
 - Attend the hearing and make oral representations to the panel.
 - Be represented.
63. Circulating copies of relevant papers at least five school days before the review to all parties.
64. Giving all parties details of those attending and their role, once the position is clear.
65. Attending the review and ensuring that minutes are produced in accordance with instructions from the panel within the timeframe of the policy.

The Academy Trust's responsibilities

The Academy Trust is responsible for:

66. Using data on suspensions and permanent exclusions to consider:
 - That permanent exclusion is only used as a last resort
 - Those students taken off roll and those on roll but attending education off-site, including patterns and reasons for moves
 - Patterns across schools within the MAT
 - Effectiveness and consistency in implementing the school's behaviour policy
 - The school register and attendance 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 AP are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
67. Where requested by parents, arranging for an independent review panel hearing to review the decision of the Twynham Learning Hearings Panel not to reinstate a permanently excluded pupil
 68. Arranging the hearing without delay at a time, date and venue convenient for all parties
 69. Ensuring the Independent Review Panel consists of three members, which represent the required categories
 70. If requested by parents, appointing a SEND expert to attend the Independent Review Panel and covering the associated costs of this appointment.

The Local Authority's responsibilities:

The LA is responsible for:

71. Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school.
72. 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. This will be the pupil's 'home authority' in cases where the school is located in a different local authority area
73. Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
74. Reviewing and reassessing pupils' needs in consultation with their parents where they have an EHCP and are excluded permanently, with a view to identifying a new placement.

8. Arranging education for suspended or permanently excluded pupils

75. For any suspension of less than five school days, the school will make reasonable arrangements to set and mark work for the pupil to complete during the suspension.
76. For any suspension of more than five school days, the school will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of the suspension.
77. Where a pupil receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension.
78. For any permanent exclusion, Headteachers will take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services should also be considered. Full-time education will be provided for the pupil from the sixth day of exclusion, by the LA.
79. The school or LA will not arrange full-time education for any pupil who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.
80. In the case of a looked after child or child with a social worker, the school will make every effort to arrange alternative provision from the first day following the suspension or permanent exclusion.
81. If a pupil with an EHCP has been permanently excluded, 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.

9. Reintegration after a suspension or off-site direction

82. Schools will support pupils to reintegrate into school following a suspension or period of off-site direction.
83. Schools will arrange for a reintegration meeting to take place before or at the beginning of the pupils return to school. Where possible, this meeting will include the pupil, parents, staff and other external agencies, as necessary.
84. The aim of the reintegration meeting is to offer the student a fresh start, which helps them understand the impact 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 new sense of belonging within the school community; and builds engagement with learning.

10. Considering suspensions and permanent exclusions

The Twynham Learning Hearings Panel, consisting of three LAB Members/Trustees, will consider any representations made by parents. Before undertaking hearings, all panel members will have undergone training provided by the Academy Trust.

85. The Panel will consider the reinstatement of an excluded or suspended pupil, where:
 - The exclusion is permanent
 - The suspension is fixed-period, and would bring the pupil's total number of suspended school days to more than 15 in any given term
 - The exclusion/suspension would result in the pupil missing a public examination.
86. In the case of a suspension where the pupil's total number of suspended days is more than five but less than 15 school days within a term, if requested by the parents, the Twynham Learning Hearings Panel must meet within 50 school days of receiving notice to consider whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the Twynham Learning Hearings Panel is not required to meet.
87. In the case of a suspension, where the pupil's total number of suspended school days does not amount to more than five in a term, the Twynham Learning Hearings Panel must consider any representations made by parents, but it cannot direct the reinstatement of the pupil and is not required to arrange a meeting with parents.
88. 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. Where suspension or permanent exclusion would result in a pupil missing a public examination, the Twynham Learning Hearings Panel will consider the suspension or permanent exclusion, as far as is reasonably practicable, before the examination. The Twynham Learning Hearings Panel will consider whether it would be appropriate to exercise its discretion to allow the suspended or permanently excluded pupil to enter the premises to take the examination.
89. The following parties will be invited to the meeting and will be allowed to make representations or share information:
 - Parents and, where requested, a representative or friend
 - The pupil, with parent, if under 18
 - The pupil if they are 18 years or over
 - The Headteacher
 - The child's social worker if the pupil has one
 - The VSH if the child is LAC
90. The Twynham Learning Hearings Panel 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 parties.

However, it's decision will not be invalid simply on the grounds that it was not made within these time limits.

91. When considering the reinstatement of a suspended or permanently excluded pupil, the Twynham Learning Hearings Panel will:

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

11.Reaching a decision

92. After considering suspension or permanent exclusions, the Twynham Learning Hearings Panel will either:

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

93. If reinstatement would make no practical difference, e.g., if 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 Twynham Learning Hearings Panel will still consider whether the pupil should be officially reinstated.

94. To reach a decision, the Twynham Learning Hearings Panel will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision
- Consider whether the suspension or permanent exclusion of the pupil was lawful, reasonable and procedurally fair, taking into account the welfare and safeguarding of the pupils, the Headteacher's legal duties and any evidence that was presented, in relation to the decision to suspend or permanently exclude
- The panel's decision does not have to be unanimous and can be decided by a majority vote.
- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months

12.Notification of considered suspensions and permanent exclusions

95. The Twynham Learning Hearings Panel will notify the parents of the suspended or permanently excluded pupil, or the pupil if they are 18 years or over, the Headteacher and the LA, and where relevant, the pupil's social worker and/or the VHS of their decision following the consideration of an exclusion, in writing and without delay. The Chair of the LAB and the Governance Manager must also be informed and, in turn, will report the outcome to the LAB and Academy Trust.

96. In the case of a permanent exclusion, where the Twynham Learning Hearings Panel decides not to reinstate the pupil, they will notify the parents:

- That it is permanent, and their right for it to be reviewed by an Independent Review Panel (IRP).
- Of the date by which an application for review must be made.
- Of the name and address to whom the review application should be submitted to.
- That a request to hold the meeting via the use of remote access can be made and how and to whom to make this request.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion.
- That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the Trust to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

97. The Twynham Learning Hearings Panel will also notify parents that, if they believe a suspension or permanent exclusion has been issued as a result of discrimination, then they can make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

98. After any conclusion, the Twynham Learning Hearings Panel will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

13. Removing permanently excluded pupils from the school register

99. The Headteacher will remove pupils from the school register if:

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

100. If an application for an Independent Review Panel has been made within 15 school days of the Twynham Learning Hearings Panel's notification of their decision, the Headteacher will wait until the review has been determined, or abandoned, and until the Twynham Learning Hearings Panel has completed any reconsideration that the Independent Review Panel recommended or directed it to carry out, before removing the pupil from the school register.

101. If a pupil's name is to be removed from the register, the Headteacher will make a return to the LA, which will include:

- The pupil's full name
- The full name and address of any parent with whom the pupil normally resides
- At least one telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which the pupil's name is to be removed from the register.
- The name of any other school that the pupil is already registered to and the first date they attended there or is due to attend there

102. Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

103. If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

104. Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Off-site educational activity
- Code D: Dual registered – at another educational establishment
- Code E: Absent and not attending alternative provision

14.Independent Review Panel

105. An Independent Review Panel will review the Twynham Learning Hearings Panel's decision not to reinstate a permanently excluded pupil if the parents submit their application for this within the required time frame.
106. The Independent Review Panel will be made up of three to five members that represent the following categories:
 - A lay member to chair the panel. This individual will not have worked in any school in a paid capacity.
 - A current or former school governor who has served for at least 12 consecutive months in the last five years.
 - A Headteacher or individual who has been a Headteacher within the last five years.
107. Parents are required to submit their applications within:
 - 15 school days of the Twynham Learning Hearings Panel's notification of their decision.
 - 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.
108. Any application made outside of this timeframe will not be reviewed.
109. Parents are able to request an Independent Review Panel even if they did not make a case to, or attend, the Twynham Learning Hearings Panel's initial consideration of the exclusion.
110. The Academy Trust must take reasonable steps to identify a date for the review that all parties are able to attend. However, the review must begin within 15 school days of the day on which the parent's application for a review was made.
111. 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 but this should not be a default option. The Academy Trust 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 34) or the Twynham Learning Hearings Panel's written notification to the parents that they can request an IRP (described in paragraph 90). Holding meetings via remote access must only be done if the Twynham Learning Hearings Panel or Academy Trust are satisfied that the meeting is capable of being held fairly and transparently.
112. The Academy Trust will adhere to all statutory guidelines when conducting an Independent Review, as outlined in the DfE's statutory guidance document: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (2024).

Guidance on the independent review process

113. The role of the Independent Review Panel is to review the Twynham Learning Hearings Panel's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.
114. Taking into account, the pupil's age and understanding, the pupils 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.
115. The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.
116. Following the review, the panel will do one of the following:

- Uphold the decision.
 - Recommend that the Twynham Learning Hearings Panel reconsiders reinstatement.
 - Quash the decision and direct that the Twynham Learning Hearings Panel reconsiders reinstatement.
117. The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents, Headteacher, LAB, Academy Trust, and the LA.
118. Where the Independent Review Panel instructs or recommends the Twynham Learning Hearings Panel to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.
119. Following reconsideration, the Twynham Learning Hearings Panel will notify the parents, the Headteacher and the LA of their reconsidered decision and the reasons for this. They must also notify the Chair of the LAB and the Governance Manager who, in turn, will report the outcome to the LAB and Academy Trust.

15.Appointing a SEND expert for an Independent Review Panel

120. Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND. Guidance on the Academy Trusts appointment and role of the SEND expert can be found below and in the statutory guidance from the Department for Education: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (2024).
121. If requested by parents in their application for an independent review panel, the Academy Trust will appoint a SEND expert to attend the panel and covers the associated costs of this appointment.
122. The Academy Trust will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.
123. An individual will not serve as a SEND expert if they have, or at any time have had, any connection with the LA, school, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the LA/Academy Trust.
124. The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals might include educational psychologists, specialist SEND teachers, SENCOs and behaviour support teachers. Recently retired individuals are not precluded from fulfilling this role; however, during interview, the Academy Trust will assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.
125. Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the LA/Academy Trust, they will not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The Academy Trust will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.
126. The final decision on the appointment of a SEND expert is for the Academy Trust to make, but it will take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents a choice of SEND expert. In order to meet its duties within the statutory time frame, the Academy Trust will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.
127. The Academy Trust will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

16.The roles of Independent Review Panel members; the SEND expert, the social worker, the VSH and the clerk, in the conduct of an IRP

The SEND expert

128. The SEND expert's role is analogous to an expert witness, providing impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the pupil's SEND.
129. The focus of the SEND expert's advice will be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the pupil's exclusion.
130. Where the school does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.
131. The SEND 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.

The social worker

132. 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.

The Virtual Schools Head

133. 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.

The Clerk

134. The Academy Trust will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel. Where a clerk is appointed, the Academy Trust will ensure that the clerk did not serve as clerk to the Hearings Panel when the decision was made not to reinstate the pupil.
135. The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions. The clerk will:
 - Identify, in advance of the meeting, whether the excluded pupil wishes to attend the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance.
 - Inform parents of their right to being a friend to the hearing
 - Identify, in advance of the meeting, through the school, whether any alleged victims or witnesses of the incident(s) leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.
 - Pupils under 18 will not be allowed to appear in person without parental consent.

- Inform the parents, or the pupil if they are 18 years old, Headteacher and Hearings Panel that they are entitled to make oral and written representations to the panel, attend the hearing, and be represented.
- Ensure that all parties are:
 - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
 - Informed about who is attending the meeting, and what their roles are.
- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.
- Where a clerk is not appointed, the Academy Trust will undertake the functions outlined above.

17. Requests for remote access meetings for Twynham Learning Hearings Panel meetings or IRPs

136. 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 but this should not be a default option. The Twynham Learning Hearings Panel or Academy Trust 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 34) or the Twynham Learning Hearings Panel's written notification to the parents that they can request an IRP (described in paragraph 90). Holding meetings via remote access must only be done if the Twynham Learning Hearings Panel or Academy Trust are satisfied that the meeting is capable of being held fairly and transparently.

Remote access meeting duties

137. The term remote access meeting within this guidance refers to a meeting arranged by the Twynham Learning Hearings Panel or Academy Trust that is carried out via electronic means such as a live video link.
138. The timescales for convening a remote access meeting are the same as a face-to-face meeting as described in this guidance.
139. The use of remote access does not alter other procedural requirements that apply to face-to-face meetings or IRPs.
140. The panel members and IRPs must consider written representations if they are made. The law does not allow for solely paper based 'meetings', conducted in writing.
141. Where a parent does not request a remote meeting or does not state a wish either way, meetings must be held in person 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.
142. For the purposes of which information is recorded within minutes, the normal rules apply as per this guidance, and the clerk may be instructed 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.
143. 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 practicable to resolve, a face-to-face meeting must be arranged despite the parent's request. This should be done without delay.
144. 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 Twynham Learning Hearings Panel or Academy Trust (in the case of 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.

145. The Twynham Learning Hearings Panel or Academy Trust 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.
 - 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

146. The Twynham Learning Hearings Panel or Academy Trust must assess whether a meeting can be held fairly and transparently via remote access with reference to the facts of each case. If it 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

147. 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

148. 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 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.
149. The meeting may be held via the use of remote access, provided the Twynham Learning Hearings Panel 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.

Key principles when conducting meetings via the use of remote access

150. If a parent requests a remote access meeting, the Headteacher may advise the parent or pupil (if they are over 18 years old) to consider the following:
- the technology that will be used for the meeting 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
 - 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 Twynham Learning Hearings Panel or Academy Trust (for an IRP) without delay. The Twynham Learning Hearings Panel or Academy Trust (for an IRP) should without delay, arrange the meeting to be held face to face.
151. Undue pressure must not be put 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

152. To help meetings run smoothly and ensure they are accessible to any participants, the Twynham Learning Hearings Panel or Academy Trust 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 the meeting 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

18.Criminal investigations

153. The Headteacher will not postpone taking a decision to suspend or permanently exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place. The Headteacher will need to take a decision on the evidence available to them at the time. The Headteacher will give particular consideration when deciding to suspend or permanently exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable. However, the final decision on whether to suspend or permanently exclude is for the Headteacher to make.
154. If the Twynham Learning Hearings Panel is required to consider the Headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.