



Compass Learning Centre

Exclusion & Suspension Policy 2023-24

Statutory Policy:	YES	Governor Action:	YES
Governors' Committee Responsible:	Teaching & Learning Committee		
Link Governor:	Chair of Committee		
Link SLT:	Headteacher		
Person Responsible:	Headteacher		
Date Reviewed:	June 2023		
Next Review Date:	Autumn Term 2023 to reflect changes, and June 2024		
Key Link Policies / Documents: <i>This list is not exhaustive and further policies / documents may also need to be consulted in addition to these dependent on circumstances</i>	Relationships & Behaviour Policy & Principles SEN Policy and Information Report Schools CiC/LAC duties Schools Safeguarding Policy and Duties E Safety & Acceptable Use of ICT Policy Child Protection Policy Health & Safety Policy Attendance Policy Anti - Bullying Policy Behaviour for Learning System		
Policy Suite:			
HR	Curriculum	Student Behaviour & Welfare	Finance
		✓	
			Premises & Health & Safety

Our aim is to help all our learners unlock their potential in life and work

Signed: *Alison Glazier* Headteacher Date: 20/06/23

Signed: *[Signature]* Link Governor Date: 29/06/23

Equality Impact Assessment – initial screening record

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Do you consider that a full Equality Impact Assessment is required? No																																					
Initial screening carried out by Mark Fisher & Alison Glazier Signed: <i>M Fisher</i> Dated 27/07/22																																					
Comment by Headteacher: <i>Alison Glazier</i>																																					

Compass Learning Centre are aware that changes to the DfE Guidance on Suspension and Permanent Exclusion will be coming into place in September 2023 (details as shown in Appendix 4, page 13). We will review this Policy in further in the Autumn Term 2023 when model policies are available.

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1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](https://www.gov.uk/government/publications/school-exclusion). (Applies until 31 August 2022) then replaced from September 1 2022 by <https://www.gov.uk/government/publications/school-exclusion>

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines ‘school day’
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

3. The decision to suspend or exclude

Only the headteacher, or acting headteacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

The Compass is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

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

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

A decision to suspend or exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school’s behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others
- Before deciding whether to exclude a pupil, either permanently or for a fixed period, the headteacher will:
- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

4. Definition

For the purposes of exclusions or suspensions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

5. Roles and responsibilities

5.1 The headteacher

Informing parents

The headteacher, or their representative, will immediately provide the following information, in writing, to the parents of an suspended or excluded pupil:

- The reason(s) for the suspension /exclusion
- The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents’ right to make representations about the suspension/exclusion to the governing board and how the pupil may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

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

If alternative provision is being arranged, the following information will be included when notifying parents of a suspension/exclusion:

- The start date for any provision of full-time education that has been arranged

- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision 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 a long suspension or exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the governing board and local authority

The headteacher will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a **fixed-period suspension is made permanent**
- Suspensions/Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions/ Exclusions which would result in the pupil missing a public examination

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 exclusion and the reason(s) for it without delay.

For all other suspensions, the headteacher will notify the governing board and LA once a term.

5.2 The Governing Board

Responsibilities regarding exclusions is delegated to the governing board consisting of at least 3 governors.

The governing board has a duty to consider the reinstatement of an suspended/ excluded pupil (see section 6).

Within 14 days of receipt of a request, the governing board will provide the secretary of state and the LA with information about any suspensions/ exclusions in the last 12 months.

For a fixed-period suspension of more than 5 school days, LA will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

5.3 The Local Authority (Dorset Council)

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

6. Considering the reinstatement of a pupil

The Governing Board will consider the reinstatement of a suspended or excluded pupil within 15 school days of receiving the notice of the exclusion if:

The exclusion is permanent

It is a fixed-term suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term

It would result in a pupil missing a public examination

If requested to do so by parents, the governing board will consider the reinstatement of a suspended or excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where a suspension / exclusion would result in a pupil missing a public examination, the governing board will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the

vice-chair where the chair is unable to make this consideration) will consider the suspension/ exclusion independently and decide whether or not to reinstate the pupil.

The governing board can either:

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

In reaching a decision, the governing board will consider whether the suspension/ exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to suspend/ exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The governing board will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing board's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to attend the review
 - Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
 - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

7. An independent review

If parents apply for an independent review, the LA will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing board of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors category and 2 members will come from the headteacher category.

- 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

- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years
- A person may not serve as a member of a review panel if they:
 - Are a of the LA or governing board of the excluding school
 - Are the headteacher of the excluding school, or have held this position in the last 5 years
 - Are an employee of the LA, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the LA school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartially
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)
- A clerk will be appointed to the panel.
- The independent panel will decide one of the following:
 - Uphold the governing board’s decision
 - Recommend that the governing board reconsiders reinstatement
 - Quash the governing board’s decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel’s decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

8. School registers

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

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

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil’s name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

9. Returning from a fixed-term suspension

Following a fixed-term suspension, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term suspension:

- Agreeing a behaviour contract
- Putting a pupil ‘on report’
- Internal isolation
- Assurances given to abide by schools behaviour code

10. Monitoring arrangements

The DHT and Behavior Intervention leader monitors the number of exclusions every term and reports back to the headteacher who will comment in the termly reports to the governors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by DHT every 3 years. At every review, the policy will be shared with the governing board.

11. Links with other policies

This exclusions policy is linked to our

- Relationships & Behaviour Policy and Principles
- SEN policy and information report
- Schools CiC/LAC duties
- Schools safeguarding policy and duties
- E Safety & Acceptable Use of ICT Policy
- Child Protection Policy
- Health & Safety Policy
- Attendance Policy
- Anti - Bullying Policy
- Behaviour for Learning System

Further guidance and resources

- Behaviour in Schools
- [Governance handbook and competency framework](#)
- [Alternative provision - Statutory guidance for local authorities, headteachers and governing bodies of settings providing alternative provision](#)
- [Education for children with health needs who cannot attend school](#)
- [Mental health and behaviour in schools](#)
- [Children with special educational needs and disabilities \(SEND\)](#)
- [Special Educational Needs and Disabilities \(SEND\) code of practice: 0 to 25 years](#)
- [Working together to improve school attendance](#)
- [Keeping children safe in education](#)
- [Children missing education](#)
- [Working together to safeguard children](#)
- [Promoting the health and wellbeing of looked-after children](#)
- [Adverse childhood experiences training and resources \(funded by the Home Office\)](#)
- [Designated teacher for looked-after and previously looked-after children](#)

Appendix 1: Independent Review Panel Training

The LA must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate 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 and the clerk of 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

Appendix 2: Governors Review Panel Deliberations Check List

Governors Exclusion Deliberations Check list

The Facts

- Has the school properly and fully presented a case for the exclusion?
- This involves a two-part test: establishing a serious breach OR persistent breaches of the behaviour policy AND showing that the pupil remaining in school would seriously harm either the pupil or others
- Part 1 of two-part test:** If the facts are disputed, on the balance of probabilities (i.e. more likely than not), did they occur as alleged by the school?
- Was the decision based on a breach of the behaviour policy? Are governors satisfied that the child knew, or ought reasonably to have known, that his/her behaviour breached the behaviour policy?
- Part 2 of two-part test:** Are governors satisfied that the pupil's return would 'seriously harm' either the pupil or others? Has the school sufficiently articulated the risk presented to either the pupil themselves or others?

The Process

- Have the pupil and his/her family been properly notified of the exclusion and the hearing and had an adequate opportunity to represent themselves?
- Did the school provide the pupil with an opportunity to provide a statement? If no statement was obtained, has the school satisfactorily explained why not?
- Has the school provided statements from witnesses, rather than relying on hear-say? Were the statements credible (i.e. taken in the proper way, signed, dated)?
- Have governors been given sufficient information and opportunity to make the right decision? Both written submissions and oral testimony made at the hearing constitute evidence and may be taken into consideration.
- Has the school provided work for the first five days of the exclusion and had it marked?
- Has the Local Authority been advised of the permanent exclusion and put in place educational provision from Day 6 of the exclusion?

Discrimination and Intervention

- Have governors (and headteacher) considered any other relevant school policies, including SEND?
- Are governors satisfied that the exclusion was not based on any element of discrimination? If a pupil is from an at-risk ethnic or social background (e.g. Black Caribbean, Gypsy/Roma, Traveller, LAC), was this given additional scrutiny?
- Has the school properly considered whether the child has Special Educational Needs? Have they considered that disruptive or impulsive behaviour might constitute a social, emotional or mental health need under the SEN Code of Practice?
- If the pupil has an EHCP, did the school conduct an emergency annual review?
- If the pupil is a Looked-After Child, has the school accessed all the resources available from the council?
- In a case of persistent breaches, has the school attempted to identify underlying causes and address them through interventions and support? Have governors received sufficient evidence of this?

The Headteacher's decision - Natural principles of justice

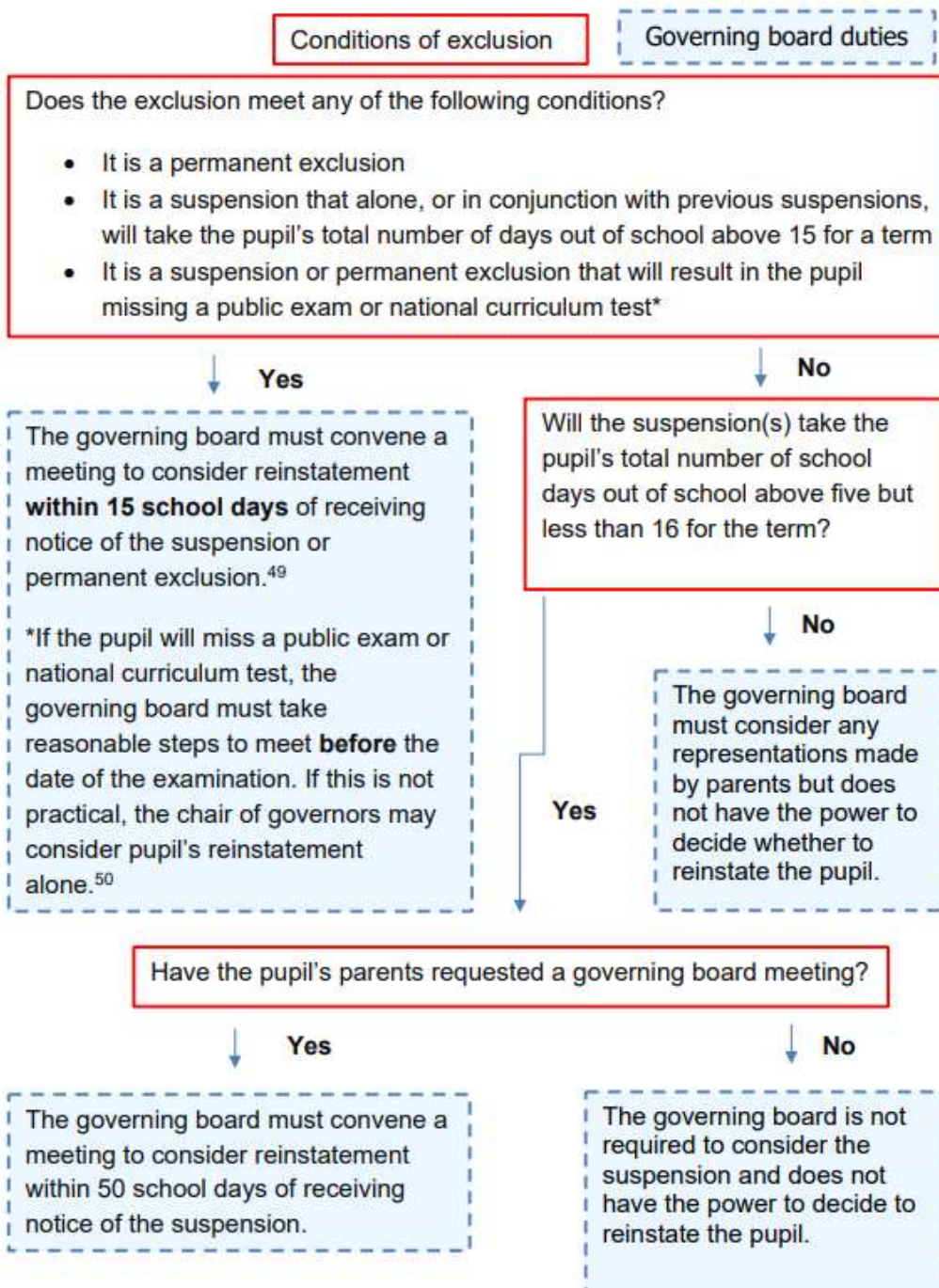
- Is the decision lawful? An example of an unlawful decision might be where the Headteacher has applied the wrong legal standard or has exceeded his/her powers.
- Was the decision fair? An example of unfair decision might be when one pupil is permanently excluded for the same offence as a pupil who was not, where there are no other differences between the pupils to explain this.
- Is the sanction proportionate? Proportionality means that it is the minimum sanction available effectively to achieve the ends required by the school.
- Linked to the above, is the decision a last resort? Did the Headteacher consider alternatives (e.g. managed move) and if rejected, has this been explained? Has the school explained why no other sanction would suffice? Did the school do all it could to mitigate against exclusion or has it satisfactorily argued that the behaviour could not have been foreseen?
- Is the decision rational and reasonable? An irrational decision is one that no ordinary and objective person would reasonably make. An example of an unreasonable decision might be one that is unreasoned – for example, if the Headteacher could not give reasons for his/her decision.

Considering reinstatement

- Would reinstatement seriously harm the education or wellbeing of the child or others in the school community? 'Would' requires a higher level of certainty than 'might', 'could', 'is likely to'. 'Serious harm' requires a higher level of impact than 'detriment' – the impact cannot merely be negative, it must be intolerable to governors.
- Having considered the child's or parents' evidence, are governors satisfied that any mitigating factors do not excuse/explain the behaviour? This includes bereavement, divorce, family discord, bullying at school, etc.? Did the Headteacher take these mitigating factors into account?
- How large a negative impact will the exclusion have on the pupil's education and wellbeing (e.g. Year 8 vs. Year 11)? Are governors satisfied that this negative impact is justified in the circumstances?

If any of these questions cannot be answered with a 'yes', governors must give due consideration to reinstatement. If governors choose not to reinstate, they must clearly explain their decision despite the school's failure to meet these thresholds.

A summary of the governing board’s duties to review the headteacher’s exclusion decision



⁴⁹ The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

⁵⁰ 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 review the headteacher's exclusion decision

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.⁵¹

If the answer is no, go to step 2.

2. Is it a suspension that alone, or in conjunction with previous suspensions, 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.⁵²

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.⁵³ 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 pupil's reinstatement alone.⁵⁴

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 but does not have the power to decide whether to reinstate the pupil.

5. Have the pupil's parents requested a governing board meeting?

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.

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

⁵¹ The governing board may delegate its functions to consider an exclusion to a designated committee.

⁵² The governing board may delegate its functions to consider an exclusion to a designated committee.

⁵³ The governing board may delegate its functions to consider an exclusion to a designated committee.

⁵⁴ The ability for a chair to review in the case of public exams refers only to maintained schools.

Appendix 4: Changes to DfE Guidance for Suspension and Permanent Exclusion for September 20203.

What has changed 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. The following is a list of updates:
- New guidance and amended regulations 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 parents⁶, 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 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 the Suspension and Permanent Exclusion guidance in 2022 were as follows:
- 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 inform parents, the social worker or the head of the Virtual School if applicable, regardless the length of the 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 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.