



Suspension and Permanent Exclusion Policy



watertonacademytrust.org

Contents

Contents	2
Key Changes.....	3
Introduction.....	3
Definitions.....	3
Aims	3
Principles Governing Exclusion Decisions	3
Suspensions and Permanent Exclusions.....	4
Circumstances in Which Suspension or Exclusion May Be Used.....	4
Headteacher Decision-Making.....	4
Separation for Safeguarding Purposes.....	7
Off-Site Direction.....	8
Managed Moves.....	9
Unlawful Exclusions and Off-Rolling	10
The Right to Education	11
Safeguarding.....	11
Equalities Legislation	12
Reintegration.....	12
Duty to Inform All Relevant Parties	12
Reporting and Recording Suspensions/Exclusions	13
Review of the Decision to Suspend/Exclude.....	13
Standard of Review and Evidence.....	15
Review Meetings	15
Independent Review Panel	15
Parallel Police Proceedings	16
Remote Access Meetings.....	16
Other Relevant Legislation and Guidance.....	17
Document Detail.....	18
Version Control.....	18

Key Changes

The DfE updated the statutory guidance on suspensions and exclusions in May 2026 to come into effect on 26 July 2026. This policy has incorporated all changes to the DfE statutory guidance.

Introduction

All Waterton academies must ensure that their exclusion and suspension procedures comply with statutory guidance from the Department for Education (DfE), last updated in July 2026. As such, this policy supersedes all other academy level policy statements that relate to exclusion/suspensions.

Definitions

For the purposes of this policy:

- *Suspension* refers to a fixed-period exclusion where a pupil is temporarily removed from the academy. A suspension can be for part of a school day (including lunchtimes) or for one or more days, but must not exceed 45 school days in a single academic year.
- *Permanent exclusion* refers to a decision that a pupil will not return to the academy, usually due to persistent breaches of the behaviour policy or a one-off serious incident.

Throughout this policy, the term *exclusion* should be read as including both suspensions and permanent exclusions unless stated otherwise.

Aims

All parties involved in exclusions, including headteachers, parents, Governance representatives and Independent Review Panels, must have regard to the statutory guidance. This policy outlines the key principles, roles and responsibilities around exclusion to ensure that all exclusion proceedings are conducted in line with statutory guidance.

Further guidance is available for parents, Governors and headteachers on procedural matters relating to exclusions, available from the Department for Education in their publication: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools, academies, and pupil referral units in England (2026). Available online at

https://assets.publishing.service.gov.uk/media/6a102af79819be865f421c7d/Suspension_and_Permanent_Exclusion_guidance_July_2026.pdf

Principles Governing Exclusion Decisions

All decisions relating to suspension, permanent exclusion, safeguarding separation, off-site direction, reintegration, and review processes will be made in accordance with the principles of administrative law and the Trust's statutory duties.

Decisions will be:

- lawful
- reasonable
- fair
- proportionate
- evidence-based
- individually considered
- informed by safeguarding, SEND, and equality duties

- appropriately recorded

Suspensions and Permanent Exclusions

Suspensions and exclusions can only be issued in relation to a breach of an academy's behaviour policy, which must be published on the academy's website and proactively shared with pupils and parents. It is important that all pupils understand the academy's expectations of behaviour and the consequences for non-compliance with the policy.

Suspensions are fixed term and must only be given for disciplinary grounds and must always be processed and recorded formally. This includes any short period of time when the pupil is suspended, such as lunchtimes or being sent home early. There is a maximum limit of 45 school days in an academic year for suspensions.

Permanent exclusion must be a last resort, and Headteachers must consider alternative arrangements, such as a managed move, before permanently excluding any pupil. Please see below for further details about the Headteacher's role and the decision-making process for permanent exclusions.

Circumstances in Which Suspension or Exclusion May Be Used

In line with statutory guidance, a suspension or permanent exclusion may be considered:

- where a pupil has committed a serious breach of the school's Behaviour Policy; and/or
- where allowing the pupil to remain in school would seriously harm the education or welfare of others or the pupil.
- after appropriate consideration of context, safeguarding, SEND, and proportionality

Permanent exclusion will only be used as a last resort.

The law does not allow for extending a period of suspension or 'converting' a suspension into a permanent exclusion. In exceptional circumstances, such as cases involving a serious breach of the behaviour policy where additional evidence (including mitigating evidence) is required before making a decision, the academy may issue a suspension pending investigation. Following investigation, the academy may issue a further separate suspension to begin immediately after the first suspension ends or a separate permanent exclusion to begin immediately after the end of the suspension.

A Headteacher may cancel an exclusion that has not yet been reviewed by the governing body. When an exclusion is cancelled, the parents, governing body, LA(s) and, if relevant, the pupil's Social Worker and/or Virtual School Headteacher must be notified without delay. The parents should be offered the opportunity to meet with the Headteacher to discuss the circumstances that led to the cancelled exclusion.

Headteacher Decision-Making

Only the Headteacher, Executive Headteacher, or a formally appointed acting Headteacher exercising the statutory functions of the Headteacher has the authority to suspend or permanently exclude a pupil, and only on disciplinary grounds. No other member of staff may issue a suspension or permanent exclusion. For the purposes of this policy, an acting Headteacher is a senior leader formally undertaking the statutory responsibilities of the Headteacher during a period of absence or vacancy.

Headteachers are responsible for ensuring that the school's Behaviour and Relational Practice Policy is implemented consistently, reviewed regularly, and communicated clearly to pupils, parents/carers, staff, and governors. This includes ensuring that pupils understand the school's expectations, routines, and potential consequences for breaches of the behaviour policy through proactive teaching, support, and communication, rather than reliance on publication alone.

All decisions relating to suspension and permanent exclusion must be made in accordance with:

- statutory guidance
- the principles of administrative law
- safeguarding duties
- equality legislation
- SEND duties and the SEND Code of Practice
- the Trust's Behaviour and Relational Practice Policy
- the Trust's Suspension and Permanent Exclusion Policy

Before making a decision to suspend or permanently exclude a pupil, the Headteacher should, where appropriate, seek and consider the pupil's views, taking account of their age, understanding, communication needs, SEND, vulnerabilities, and personal circumstances. Pupils should be supported to express their views where necessary through parents/carers, advocates, social workers, trusted adults, interpreters, or other appropriate support.

When considering suspension or permanent exclusion, the Headteacher must consider:

- the facts of the incident and available evidence
- whether the decision is lawful, reasonable, fair, and proportionate
- the individual circumstances of the pupil
- any safeguarding concerns, vulnerabilities, or contextual factors
- whether the behaviour may be linked to unmet SEND, disability, communication, sensory, mental health, trauma, attachment, or other additional needs
- whether reasonable adjustments and appropriate support have been implemented
- whether preventative, supportive, and restorative strategies have been considered or implemented
- the impact of the behaviour on the safety, welfare, and education of the pupil, staff, and other pupils

The standard of proof applied in exclusion decisions is the civil standard of proof, namely whether, on the balance of probabilities, it is more likely than not that the alleged conduct occurred.

The Trust recognises that repeated behavioural incidents or repeated suspensions may indicate unmet need, ineffective support, safeguarding concerns, or difficulties relating to SEND, communication, mental health, trauma, attachment, or other vulnerabilities, rather than deliberate non-compliance alone. Following every suspension, schools must review the effectiveness of the pupil's current provision, interventions, reasonable adjustments, behaviour support strategies, and pastoral support arrangements.

The school must also consider whether existing risk assessments, behaviour plans, pastoral support plans, safeguarding plans, or SEND support arrangements require updating in light of the incident and any emerging concerns or patterns.

A clear reintegration plan must be implemented following each suspension, proportionate to the pupil's needs and the nature of the incident. Reintegration planning should include appropriate restorative work, support to re-establish relationships, consideration of reasonable adjustments and additional support, and clear strategies to promote successful reintegration into learning and school life.

Where a pupil has received repeated suspensions, is approaching the legal limit of 45 school days of suspension in an academic year, or is at risk of permanent exclusion, the Headteacher must ensure that a more formal review of provision and support is undertaken. This should include consideration of whether additional assessment, specialist involvement, multi-agency support, early help intervention, alternative provision, SEND assessment, or an emergency annual review of an EHCP may be required.

Where a pupil has identified SEND, the school must be able to demonstrate that it has had regard to its duties under the SEND Code of Practice and Equality Act 2010. This includes consideration of:

- whether appropriate assessments have been undertaken
- whether reasonable adjustments have been implemented
- whether the behaviour may arise from unmet need or disability
- whether appropriate support, intervention, or specialist advice has been sought

Where a pupil has an Education, Health and Care Plan (EHCP), or where an EHCP assessment is being considered, the Headteacher must seek advice from the Trust before:

- issuing a permanent exclusion
- pursuing or agreeing a managed move
- implementing significant alternative arrangements related to behaviour or placement

Where a pupil with an EHCP is at risk of permanent exclusion, the school should also consider requesting an emergency annual review of the EHCP and involving relevant professionals and agencies without delay.

Permanent exclusion must only be used as a last resort and only:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others, including staff and pupils in the school.

Before permanently excluding a pupil, the Headteacher must seek advice from the Trust Executive Leadership Team, the Head of SEND and Inclusion and the Director of Standards. The Headteacher should also consider whether lawful and appropriate alternatives to permanent exclusion have been explored, including:

- additional support and intervention
- early help or multi-agency involvement
- reasonable adjustments
- pastoral support
- off-site direction
- managed moves
- alternative provision arrangements

Any managed move must be voluntary, in the best interests of the pupil and wider school community, and implemented in accordance with statutory guidance and Trust procedures.

All decisions relating to suspension and permanent exclusion must be clearly recorded, including:

- the rationale for the decision
- evidence considered
- safeguarding, SEND, and equality considerations
- the views of the pupil where obtained
- interventions and support considered or implemented
- advice sought from the Trust and external professionals where relevant
- actions taken following the decision.

Separation for Safeguarding Purposes

In certain circumstances, it may be necessary for a pupil to be temporarily separated from other pupils, or from the school site, for safeguarding reasons. This may arise where there are concerns relating to child-on-child abuse, sexual violence or harassment, serious safeguarding allegations, significant welfare concerns, or where immediate action is required to manage risk and protect pupils and staff.

Any temporary separation for safeguarding purposes is distinct from suspension or permanent exclusion and is not a disciplinary sanction. Decisions of this nature will be made on a case-by-case basis, informed by safeguarding risk assessment, professional judgement, statutory guidance, and the individual circumstances of those involved.

Temporary separation for safeguarding purposes may be considered where:

- there is an ongoing safeguarding investigation
- there are concerns regarding the safety or welfare of pupils or staff
- pupils need to be physically separated to manage risk
- safeguarding agencies advise that separation is necessary
- alternative arrangements within school are not sufficient to manage risk safely

The Designated Safeguarding Lead (DSL), or an appropriately trained deputy DSL, must be involved in all decisions relating to safeguarding separation. The DSL will lead or coordinate appropriate safeguarding risk assessments, consider the views of relevant agencies where appropriate, and ensure that decisions prioritise the welfare and best interests of children.

Where safeguarding separation is implemented:

- the reasons for the decision will be clearly recorded
- parents/carers will be informed without delay, unless doing so would place a child at risk
- education arrangements and continuity of learning will be considered
- the arrangement will be reviewed regularly and remain in place only for as long as necessary
- the impact on all pupils involved will be considered
- schools will continue to fulfil their safeguarding, SEND, equality, and pastoral responsibilities

The Trust recognises that temporary separation for safeguarding purposes may engage duties under:

- the Equality Act 2010
- the Human Rights Act 1998
- Keeping Children Safe in Education
- Working Together to Safeguard Children
- SEND legislation and guidance

Any decision to separate pupils for safeguarding reasons must therefore be lawful, reasonable, proportionate, procedurally fair, and evidence-informed. Temporary safeguarding separation will only be used where necessary to manage identified risk and where it is not reasonably practicable to manage that risk safely through alternative arrangements within school. Schools will work collaboratively with safeguarding partners, parents/carers, and other relevant professionals to support safe and appropriate arrangements for all pupils involved.

Off-Site Direction

Off-site direction is a temporary arrangement whereby a pupil attends another education setting, including alternative provision or another mainstream school, to support improvement in behaviour, engagement, safety, or wellbeing. Off-site direction is not a suspension or permanent exclusion and must not be used as a punishment, informal exclusion, or mechanism to remove responsibility for a pupil.

Off-site direction will only be used where:

- it is lawful, necessary, proportionate, and in the pupil's best interests
- appropriate in-school interventions and support have been considered
- the arrangement is intended to support improvement in behaviour, reintegration, engagement, or safety
- the placement can provide suitable education and appropriate safeguarding arrangements

All off-site direction arrangements must:

- have clear objectives, intended outcomes, and review arrangements
- be time-limited and regularly reviewed
- include reintegration planning from the outset
- take account of safeguarding, SEND, vulnerability, attendance, and wellbeing considerations
- be agreed and overseen by the school leader holding statutory responsibility for the school, namely the Headteacher or Executive Headteacher
- comply with statutory guidance and Trust procedures

Parents/carers and, where appropriate, the pupil, will be informed of:

- the reasons for the off-site direction
- the intended duration
- the educational arrangements
- review arrangements
- expectations regarding attendance, behaviour, and reintegration

Where appropriate, schools will seek and consider the views of the pupil before implementing off-site direction, taking account of their age, understanding, communication needs, SEND, and vulnerabilities.

Dual registration arrangements will be clearly established where required, and attendance recording will comply with statutory guidance.

The Trust recognises that off-site direction arrangements may engage safeguarding and equality duties. Schools must therefore ensure:

- suitable safeguarding and information-sharing arrangements are in place
- the provision is appropriate to the pupil's needs
- reasonable adjustments continue where required
- the arrangement does not disadvantage pupils with SEND or protected characteristics

Off-site direction will not be used:

- as a substitute for lawful suspension or permanent exclusion procedures
- to avoid accountability for a pupil
- to manage attendance concerns alone
- as a long-term arrangement without clear review and reintegration planning
- as a mechanism for informal or hidden exclusion

The school will maintain oversight of the pupil's welfare, attendance, safeguarding, and educational progress throughout the period of off-site direction.

Managed Moves

A managed move is a voluntary agreement between schools, parents/carers, and, where appropriate, the pupil, for a pupil to transfer permanently to another school as part of a planned intervention to support a successful fresh start and avoid permanent exclusion.

Managed moves will only be considered where:

- they are in the best interests of the pupil and wider school community
- preventative and supportive strategies have been considered
- the arrangement has a clear educational and pastoral rationale
- all parties understand and agree to the purpose and expectations of the arrangement

Managed moves are voluntary and require the informed agreement of:

- the parent/carer
- the receiving school
- the current school

Where appropriate, the views of the pupil will also be sought and considered, taking account of age, understanding, SEND, communication needs, and vulnerabilities.

Managed moves must not be used:

- as a form of informal or unlawful exclusion
- to avoid permanent exclusion processes
- to improve school performance data
- to remove responsibility for pupils whose needs the school finds difficult to meet
- without appropriate planning, review, and oversight

Before a managed move is agreed, schools should consider:

- safeguarding information and risk assessments

- SEND and Equality Act duties
- attendance, behaviour, and welfare information
- any involvement of social workers, Virtual School Heads, or external agencies
- the suitability of the receiving placement

The managed move process will include:

- a clear written agreement between schools and parents/carers
- agreed objectives and success criteria
- identified pastoral and educational support
- review arrangements and timescales
- named key contacts
- arrangements for information sharing and safeguarding oversight

Where appropriate, an initial dual registration arrangement may be used during a transition or trial period in line with statutory guidance.

Managed moves should be reviewed regularly to assess:

- attendance
- behaviour
- safeguarding
- engagement with learning
- wellbeing
- progress towards agreed outcomes

Where a managed move is unsuccessful, decisions regarding future provision will be made in accordance with statutory guidance, safeguarding duties, SEND duties, and the best interests of the pupil and wider school community.

Unlawful Exclusions and Off-Rolling

Waterton Academy Trust is committed to ensuring that all suspensions, permanent exclusions, safeguarding responses, and pupil movement arrangements are lawful, transparent, proportionate, and in the best interests of pupils. The Trust will act in accordance with statutory guidance, safeguarding duties, equality legislation, and principles of procedural fairness at all times. The Trust will not use unlawful exclusions or practices that could constitute off-rolling.

For the purposes of this policy, off-rolling refers to the practice of removing a pupil from the school roll, or encouraging their removal, without following the proper legal process and where this is primarily in the interests of the school rather than the pupil.

The Trust will not:

- send pupils home informally or ask them to remain at home for disciplinary reasons without formally recording and processing a suspension in line with statutory guidance
- use repeated informal arrangements, partial-day absences, or “cooling off” periods as alternatives to formal suspension procedures
- use part-time timetables as a behavioural sanction or substitute for formal suspension or exclusion processes

- pressure, encourage, or coerce parents into electively home educating their child to avoid suspension, permanent exclusion, scrutiny, or formal processes
- exclude, suspend, or otherwise disadvantage a pupil solely because the school believes it cannot meet the pupil's SEND, disability, medical, behavioural, or additional needs
- prevent a pupil from returning to school because a parent or carer is unable or unwilling to attend a reintegration meeting
- use off-site alternative provision, managed moves, or safeguarding arrangements to circumvent lawful exclusion procedures or remove responsibility for a pupil without appropriate process, review, and oversight
- remove a pupil from roll without complying fully with statutory requirements and local authority notification procedures

All exclusions, including lunchtime exclusions and partial-day exclusions, will be formally recorded on the school's management information system and processed in accordance with statutory guidance.

The Trust recognises that repeated behavioural incidents may indicate unmet need, ineffective support, safeguarding concerns, communication difficulties, trauma, or disability-related factors. Schools will consider their duties under the Equality Act 2010, SEND legislation, and safeguarding guidance before making decisions relating to suspension or permanent exclusion, including whether reasonable adjustments, additional support, or alternative interventions are required.

Where concerns are raised regarding potential unlawful exclusion, off-rolling, or procedural irregularity, these will be reviewed promptly by senior leaders and, where appropriate, escalated to Trust leaders and governors.

The Right to Education

All pupils of compulsory school age have a right to full time education and academies remain responsible for the education and welfare of all pupils on their roll up to the point when they are formally removed.

For any exclusion involving a pupil who is a Looked After Child, the academy and Local Authority must work together to arrange alternative provision from the first day of exclusion and document the provision of suitable education on the pupil's Personal Education Plan (PEP).

For all other pupils, the academy must set work, and have it marked, for the first five days of exclusion. Online provision such as Waterton Teams or Oak Academy can be used, but academies should ensure the work set is accessible and achievable for the pupil and they have the necessary equipment, such as a laptop. From day six onwards, alternative provision must be arranged. For permanent exclusion, the pupil's home local authority is responsible for arranging this, and for suspensions, the academy is responsible. Academies must carefully assess and monitor the quality of the alternative provision and ensure appropriate safeguarding measures are in place.

Safeguarding

Academies have a statutory duty to safeguard and promote the welfare of their pupils and must have regard for the statutory guidance Keeping Children Safe in Education. Where an exclusion, or the governor panel's reinstatement of a pupil, coincides with a safeguarding investigation it is important that decisions

regarding the duty to provide an education are made alongside the duty to safeguard and support children. This is particularly important in cases of child-on-child abuse and allegations of sexual violence and assault. In these circumstances, the academy's Designated Safeguarding Lead (or Deputy) should undertake the appropriate risk and needs assessments and take a leading role, supported by other agencies, to ensure that the welfare and best interests of the child come first.

Equalities Legislation

Under the Equality Act 2010, pupils must not be discriminated against, victimised or bullied because of protected characteristics. This includes ensuring that policies and practices do not discriminate by unfairly increasing a pupil's risk of exclusion. Pupils with Special Educational Needs and Disabilities (SEND) are particularly at risk of this, and academies should be proactive to make reasonable adjustments to policy and practice, where needed, to avoid discrimination. The academy and Trust must make reasonable adjustments for pupils with SEND to reduce the risk of exclusion and to ensure fair process. Where a parent or pupil has SEND or communication needs, adjustments will be made to support full participation. Examples include providing information in accessible formats, allowing additional time to prepare, or providing interpreters or advocates. Governing bodies and Independent Review Panels must also consider whether a pupil's disability has been a material factor in their behaviour.

Reintegration

Suspension is a disciplinary mechanism available to academies and should be used to improve behaviour. Academies should support pupils to successfully reintegrate into academy life following a suspension and have a reintegration strategy that offers pupils a fresh start, helps them understand the impact of their behaviour and supports them to meet behaviour expectations in the future. The strategy should be discussed with the pupil at the reintegration meeting before or at the beginning of their return to academy and be reviewed and adapted over time in collaboration with the pupil and parents. Pupils must not be prevented from returning if their parent is unable to attend a reintegration meeting. Reintegration meetings must capture the pupil's voice and result in a short written record outlining agreed next steps and support. This record will be shared with parents/carers and reviewed at appropriate intervals.

Duty to Inform All Relevant Parties

Parents/carers must be informed without delay of the length of suspension/of an exclusion, the reason(s) for suspension/exclusion and of their right to make representations to a panel of Governors. Initially, this notification should be by telephone or in person so the parent can ask questions if needed and then followed by a letter. In all circumstances, the parent/carer must be informed in writing before the afternoon period of the first day of suspension/exclusion, regardless of the duration. All academies must use the template letters with attached guidance for parents as these are compliant with current statutory regulations.

Where alternative provision will be arranged from day 6, parents must be informed of the start date, name and address of the provider, start and finish time, and name of the person the pupil should report to on the first day. This information must be provided at least 48hrs before the provision is due to start.

Headteachers must, without delay, inform the Trust Governance team of any exclusion which will require automatic Governor review to ensure that a suitable Clerk can be appointed. This includes permanent exclusions, suspensions that result in the pupil being suspended for more than 15 days in one term and suspensions that will result in the pupil not sitting a public examination or national curriculum test.

Academies must inform the LA of any pupil suspension or permanent exclusion without delay in writing, and confirm the type and length, start date, reason, dates when pupil must not be present in a public place and alternative provision arrangements. Different LAs will have specific forms to complete for reporting that academies should follow. The reasons for suspension/exclusion must give brief detail of the alleged behaviour, for example 'swearing at a member of staff', and not just state 'breach of behaviour policy'. In the case of permanent exclusion, if the academy's LA is different to the pupil's home LA, they must also be informed without delay.

If a pupil has a Social Worker (SW) they should be notified without delay of the pupil's period of suspension/exclusion and reason for it. If the exclusion requires review by a panel of Governors, the SW should be informed of the review meeting date and invited to attend, if they wish to do so. If the pupil is a Looked After Child (LAC), the LA has a corporate parent role and the academy should notify the Virtual School Headteacher (VSH) of the pupil's period of exclusion and reason for it without delay. Alternative provision must be in place for an excluded LAC pupil from day 1 and the VSH can provide advice and support for this. If the suspension/exclusion requires review by a panel of Governors, the VSH should be informed of the review meeting date and invited to attend, if they wish to do so. If the pupil is previously looked after (PLAC) the VSH can provide advice and information on request but there is no requirement to notify them of the exclusion.

Reporting and Recording Suspensions/Exclusions

Academies must follow statutory guidance to ensure the relevant parties are informed when a pupil is permanently excluded. They must also ensure all suspensions/exclusions are recorded on the academy's Management Information System (MIS) and that the Governance Team are informed of any occasions when a Governor review panel is required. Data on suspensions, permanent exclusions and pupil moves must also be reported to Governors in the Headteacher's Report at the Academy Standards Committee meeting. Staff and Governors must comply with all relevant data protection requirements when processing, sharing and storing personal data as part of the suspension/exclusions process.

Exclusion and suspension data will be disaggregated by pupil characteristics (including SEND, disadvantaged pupils, and protected characteristics under the Equality Act 2010) to identify any disproportionality. This analysis will be reported termly to Academy Standards Committees and annually to Trustees, with action taken where patterns suggest inequality.

Review of the Decision to Suspend/Exclude

For any suspension parents/carers have the right to make their representations to Governors. For any suspension which takes the total number of suspended days in any term to more than 5, Governors may direct the reinstatement of the pupil. The type and duration of suspension/exclusion determines the process and timeframe for Governor review.

- All permanent exclusions must be reviewed by a panel of governors within fifteen school days of the exclusion being issued.
- Suspensions, of any duration, that would result in a pupil missing a public examination or national curriculum test must be reviewed by a governor panel as soon as practically possible and at maximum within fifteen school days. Attempts should be made to review the exclusion prior to the examination date, and in exceptional circumstances, the Chair of Governors may review the exclusion in lieu of a panel meeting.
- Suspensions that result in a pupil being excluded for more than fifteen days in one academic term must be reviewed by a panel of governors within fifteen school days of the exclusion being issued.
- If requested by the parent/carer, a suspension of six to fifteen days must be reviewed by a Governor panel within fifty school days of the exclusion being issued.
- If requested by the parent/carer, for a suspension of five or fewer days, Governors must consider any representations made by the parent/carer but do not have to meet with parents to do so.

Waterton Academy Trust Trustees delegate the review of pupil exclusions to Academy Standards Committee Governors. Independent Governors who can review the exclusion/suspension without prior knowledge or bias will be sourced from the Trust-wide pool of ASC Governors. All governors who review exclusions must have received specific training via the central Governance Team prior to participating on a panel. The Chair must also have received external training on exclusion procedures. A panel will usually be constituted of three Governors, with clerking services provided by a member of the Governance Team. One Governor on the panel will be designated as the Chair of the meeting and, in the event of a request for external independent review (see section below entitled Independent Review Panel), will represent the panel at that independent review meeting. The Headteacher cannot be a member of the panel. Members of the panel must be impartial, unprejudiced, have taken no previous part in the specific case, and have no personal interest in its result. As standard practice, Headteachers must not discuss individual cases with members of their ASC as cases may be referred to them for review. The review panel may either decline to reinstate the pupil (upholding the Headteacher's decision) or direct reinstatement of the pupil. The panel cannot convert one type of exclusion into another, for example; they cannot 'downgrade' a permanent exclusion into a suspension.

Where relevant, additional parties may be invited to attend the governor review meeting to provide context and background information for Governors, such as the pupil's SW, VSH and a LA representative. The parent(s) must always be invited to attend the governor review meeting, and reasonable adjustments should be made to encourage their attendance. Parents/carers must be informed that they have the right to be accompanied at governor review meetings or independent review panels. This can include a friend, advocate, or legal representative. The academy and Trust will make reasonable efforts to ensure parents are aware of these rights when communicating review arrangements. After the Governor review hearing, the Clerk will inform the parties in writing of the outcome, with reasons for the Governors' decision. Decisions are communicated as soon as possible, and every attempt is made to do this within 5 working days.

Governors and Trustees will actively scrutinise patterns, trends, and disproportionality to ensure exclusion is used lawfully, fairly, and only where necessary.

Standard of Review and Evidence

At all stages in the process, from the Headteacher's initial decision to the independent review panel, the civil standard of a 'balance of probability' is used when considering facts and evidence. This has a lower threshold than the criminal standard of review, 'beyond all reasonable doubt'. The Chair of the panel must ensure that all parties have an opportunity to make their representations and have their views heard before any decision is made. It is important that the evidence presented demonstrates this or gives a reasonable explanation for why another party's views are not available.

Review Meetings

All evidence and meeting paperwork should be distributed to all parties at least five working days before the hearing. In exceptional circumstances and at the discretion of the Chair, new evidence may be introduced at the hearing however all parties must be given reasonable time to review it. In exceptional circumstances and usually to meet statutory timeframes, the Trust may convene a panel of two Governors to review a pupil exclusion.

No party should be in the presence of Governors unless the other party is also present. Both the academy and parents/carers should enter and leave the review meeting at the same time and must not have any private discussion with Governors before the meeting or until after Governors have reached a formal decision.

Independent Review Panel

If a permanent exclusion is upheld, parents/carers must be informed of their right to seek an independent review of the Governors' decision and the deadline for seeking such a review. They also have the right to request the attendance of a SEND expert at the Independent Review Panel meeting. The request for an independent review panel must be submitted within fifteen school days from receiving the review panel's decision.

Parents may request an Independent Review Panel (IRP) even if they did not attend the initial governor review meeting. Where parents request the attendance of a Special Educational Needs and Disabilities (SEND) expert at the IRP, this will be provided at no cost to them. The SEND expert's role is to advise the panel on whether the academy's policies and processes have been applied in a lawful, reasonable, and non-discriminatory way.

Waterton Academy Trust will engage the services of a suitably trained Clerk to arrange and Clerk the Independent Review Panel. This will not be the Clerk of the original panel. The independent review is normally attended by the Headteacher and Chair of the original governor meeting. The Clerk of the governor review meeting may attend but plays no formal part in proceedings. On occasion it may be considered appropriate for the academy to have legal representation. This will be arranged by Waterton Academy Trust.

The Independent Review Panel cannot direct a Governors to reinstate a pupil. It may:

- uphold the exclusion;
- recommend that Governors reconsider their decision; or
- quash the original decision and direct Governors to reconsider the decision.

In the latter case, the Independent Review Panel will usually order that the academy must make a payment to the Local Authority of £4,000 if it does not offer to reinstate the pupil.

Records relating to suspensions, permanent exclusions, governing board reviews, and Independent Review Panels will be retained in accordance with statutory guidance, safeguarding requirements, data protection legislation, and the Trust's records retention schedule.

Parallel Police Proceedings

The Headteacher does not have to delay issuing an exclusion or suspension if criminal proceedings are also being conducted. The Headteacher's decision is on the balance of probability (not beyond all reasonable doubt) and is made on the evidence available to them so if this is sufficient to issue the exclusion they may do so. The Governors must not delay a hearing beyond the statutory time limit because of police proceedings and must make a decision on the balance of probability based on the evidence available to them at the review meeting. If a permanent exclusion is upheld in these circumstances, the parent has 15 days to request an independent review in the normal way.

Remote Access Meetings

Where a valid request for remote access is made in accordance with statutory guidance, the governing board or arranging authority will facilitate remote access arrangements where satisfied that the meeting can be conducted fairly, transparently, and without disadvantage to any party.

Remote access arrangements will only be used where:

- they are lawful and appropriate
- all participants are able to participate fully and fairly
- the meeting can be conducted safely, securely, and confidentially
- remote access will not disadvantage any party or compromise procedural fairness

Face-to-face meetings will generally remain the preferred approach. However, parents/carers, pupils, governors, panel members, or other relevant participants may request remote access arrangements where there is a reasonable need or where this would support attendance and participation.

When considering whether remote access is appropriate, the Trust and governing board will consider:

- the views and circumstances of all parties
- accessibility, communication, SEND, and language needs
- safeguarding and confidentiality considerations
- the availability and reliability of technology
- whether participants can engage meaningfully and present their views effectively
- whether remote access would support timely review within statutory timescales

Where remote access arrangements are used:

- all participants will receive clear joining instructions and relevant documentation in advance
- meetings will be conducted in a way that maintains fairness, transparency, dignity, and confidentiality

- all parties will have equal opportunity to present information, ask questions, and make representations
- appropriate adjustments will be made where required to support participation

The Chair of the panel or governing board retains responsibility for ensuring that the meeting is conducted fairly and in accordance with statutory guidance and Trust procedures. Where remote access arrangements are not considered appropriate or workable, an alternative arrangement, including a face-to-face meeting, will be made wherever reasonably practicable.

Other Relevant Legislation and Guidance

The legislation, guidance and regulations to which this guidance relates is:

- Education Act 2002, as amended by the Education Act 2011;
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- Education and Inspections Act 2006;
- Education Act 1996;
- 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;
- Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. Guidance for maintained schools, academies, and pupil referral units in England (July 2026)
- Working together to improve academy attendance. Guidance for maintained schools, academies, independent schools, and local authorities (May 2022)
- SEND code of practice: 0 to 25 years
- Special Educational Needs and Disability Regulations 2014 (Part 4)
- DfE Behaviour in schools (September 2022)
- Searching, Screening and Confiscation (July 2022)
- Behaviour in Schools (September 2022)

Appendices

To support consistent practice, the following appendices are available to schools on request:

- Template exclusion/suspension letters for parents
- Statutory timescale flowchart for suspensions and exclusions
- Checklist for headteachers when considering permanent exclusion
- Reintegration meeting template

Document Detail			
Document Name:		Exclusion and Suspension Policy	
Version:		9	
Chief Officer Signature:		D Dickinson, CEO	
Effective From:		July 2026	
Approved by:		Executive Leadership Team	
Next Review Date:		May 2027	
Version Control			
Version	Date	Author	Change/Reference
2	Nov 2018	WAT	
3	Oct 2020	WAT	Formatting changes, additional information around absence of Headteacher, reference to updated legislation and addition of appendix of exclusion codes.
4	Oct 2022	WAT	Complete rewriting of the policy in line with updated Government guidance
5	Nov 2022	WAT	Changes to references to specific team members Formatting changes Changes to Governance terminology, and the independence of panel members. Clarification around the Acting Headteacher Clarification around reinstating pupils
6	July 2023	M Bretherton	Reviewed, terminology changes only
7	Nov 2023	E Handford	Changes to terminology
8	Sept 2024	M Bretherton	No Changes
9	Sept 2025	M Bretherton	Additions to strengthen compliance with DfE guidance: definitions section; expanded parental rights (including legal representation); enhanced SEND and reasonable adjustment duties; clarification of IRP rights and SEND expert provision; strengthened reintegration (pupil voice, records); expanded data monitoring (equalities focus); complaints signposting; cross-reference to behaviour/searching guidance.

10	May 2026	M Bretherton	Updated policy to align with July 2026 DfE Suspension and Permanent Exclusion guidance. Amendments include strengthened Headteacher decision-making expectations, administrative law principles, safeguarding separation arrangements, off-site direction and managed move procedures, unlawful exclusion and off-rolling guidance, remote access meeting arrangements, strengthened SEND and equality considerations, clearer reintegration expectations following suspension, enhanced requirements for reviewing provision and risk assessments after repeated suspensions, and expanded procedural safeguards relating to proportionality, evidence, recording, and pupil voice.
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