| | |
|---|---|
| **Name of Policy** | **Suspension, Permanent Exclusions and Pupil Movement Policy** |
| **Responsible Body** | **Trust** |
| **Responsible Person** | **CEO** |
| **Review Committee** | **Quality of Education** |
| **Implementation Date** | **Autumn 2026** |
| **Review Date** | **Autumn 2027** |
| **Legislation / Guidance** | • DfE Statutory Guidance: Suspension and Permanent Exclusion (July 2026)<br>• Education Act 2002 (as amended)<br>• School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012<br>• Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026<br>• Equality Act 2010<br>• Children and Families Act 2014 |
| **Revisions since last update** | • New policy — replaces all previous trust policies.<br>• Updated to reflect July 2026 DfE Statutory Guidance: new provisions on safeguarding separation, off-site direction for academies and PRUs, managed moves |

*NB: This policy is effective from the publication date shown and will remain in force pending formal approval by the Trust Board in line with the Scheme of Delegation. The content of this policy may be amended to reflect legislative, regulatory, or governance requirements, including any changes arising from the Trust Board approval process*

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## 1. Introduction and Scope

**1.1** Cheviot Learning Trust is committed to providing safe, calm and purposeful learning environments across all its schools. Good behaviour is fundamental to this. This policy sets out the Trust's approach to suspensions, permanent exclusions and all related forms of pupil movement, including off-site directions, managed moves and the new provision for safeguarding separation.

**1.2** This policy reflects the DfE's statutory guidance Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (July 2026) ('the Guidance') and the Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026 ('the 2026 Regulations'). All schools in the Trust must comply with this policy.

**1.3** This guidance should be read as a companion to the DfE's Behaviour in Schools guidance. Suspension and exclusion should only be considered when the strategies, practices and interventions in that guidance have not been successful. Permanent exclusion is always a last resort.

**1.4** This policy applies to all schools within Cheviot Learning Trust and covers pupils of all ages, including those below and above compulsory school age.

| **Key principle** |
| --- |
| Permanent exclusion **should** only be used as a last resort — in response to a serious breach, or persistent breaches, of the school's behaviour policy, **and** where allowing the pupil to remain would seriously harm the education or welfare of others.<br>Schools **should not** adopt a 'no exclusion' policy as an end in itself. Where pupil behaviour presents safeguarding risks, appropriate action — including suspension, safeguarding separation, or permanent exclusion — should be taken. |

## 2. Definitions and Key Terminology

The following definitions are used throughout this policy, in line with the July 2026 Guidance:

| Term | Definition |
| --- | --- |
| **Suspension** | A pupil is temporarily removed from school on disciplinary grounds for a fixed period (previously known as a 'fixed-term exclusion'). Maximum 45 school days in any academic year, |

| | |
|---|---|
| | including suspensions received from other schools. |
| **Permanent Exclusion** | A pupil is no longer permitted to attend the school (unless reinstated). To be used only as a last resort. |
| **Cancelled Exclusion** | An exclusion cancelled by the headteacher before the Resolutions Panel has met to consider reinstatement. |
| **Off-Site Direction** | The headteacher directing a pupil to attend alternative provision to improve their behaviour. From 26th July 2026 applies equally to academies and PRUs under the 2026 Regulations. |
| **Managed Move** | A permanent, voluntary transfer of a pupil to another school, subject to the School Admissions Code. There is no legal basis for a 'trial managed move'. |
| **Safeguarding Separation** | A school temporarily forbidding a pupil from attending its premises for safeguarding reasons (not on disciplinary grounds). New provision in the July 2026 Guidance. |
| **Off-Rolling** | Any unlawful removal of a pupil from the school roll without following formal exclusion procedures. Expressly prohibited. |
| **Resolutions Panel** | A panel of trustees, local governors, central staff and /or external governors from other settings acting through its delegated structures for suspensions and permanent exclusions. |
| **Independent Review Panel (IRP)** | A statutory panel that reviews the Resolution Panel's decision not to reinstate a permanently excluded pupil. Arranged by the Central Governance Team. |
| **Headteacher** | Head of a Trust school or a formally appointed acting headteacher. |
| **Governing Board** | In this policy, the Board of Trustees or a Trust Board Committee acting through its delegated structures. |
| **Parent** | Includes birth parents, any person with parental responsibility, and any person who has care of the child (e.g. foster carers) |
| **VSH** | Virtual School Head - LA role overseeing education for Children Looked After (CLA) |

## 3. Roles and Responsibilities

| Role | Key Responsibilities |
|---|---|
| **Headteacher** | • The only person who can suspend or permanently exclude on disciplinary grounds<br>• Must notify parents, the local authority, and (where applicable) the social worker and VSH without delay; notifies the governing board through leadership reporting; and contacts the Trust Governance Professional to arrange any required Governor Panel<br>• Takes reasonable steps to ensure that work is set and marked for pupils during first 5 school days of a suspension or permanent exclusion<br>• Takes account of pupil's views (where appropriate) before excluding<br>• Can cancel an exclusion before the Resolutions Panel has met |
| **Trust Board of Trustees** | • Sets this policy through delegated authority and approves the Resolutions Panel Terms of Reference<br>• Approves the Scheme of Delegation enabling the Resolutions Panel<br>• Receives and scrutinises trust-wide data on all forms of pupil movement<br>• Deploys maximum challenge to school leadership on patterns and trends |
| **Quality of Education Committee** | • Provides strategic oversight and assurance of behaviour, suspensions, exclusions, and pupil movement, ensuring policies are applied consistently and in line with trust expectations.<br>• Sub-delegates suspension and exclusion panel functions to the Resolutions Panel (as per the Scheme of Delegation)<br>• Scrutinises reintegration effectiveness and safeguarding separation data |
| **Resolutions Panel** | • Considers whether to reinstate suspended or permanently excluded pupils<br>• Hears suspensions and exclusions panels (as delegated)<br>• Must act within statutory timeframes<br>• Members may be drawn from the governing board, trust committees, local governing bodies, the central team across the Trust and/or external governing individuals who are trained and have declared interests on file, in line with the Trust's Scheme of Delegation. |
| **Trust Governance** | • Maintains this policy and ensures it is updated when guidance changes<br>• Coordinates the Resolutions Panel: training, scheduling, |

| | |
|---|---|
| **Professional** | conflict-of-interest checks<br>• Oversees compliance with statutory notification and process requirements<br>• Reports exclusion and pupil movement data to the Trust Board and local committees |
| **Trust Safeguarding Lead(s)** | • Provides strategic oversight, professional challenge and Trust-level assurance where exclusions, safeguarding separation, off-site direction or managed moves involve significant safeguarding risk, vulnerable pupils, child-on-child abuse, exploitation, social care involvement or complex multi-agency issues.<br>• Ensures safeguarding separations are recorded separately from disciplinary exclusions and that safeguarding themes arising from pupil movement, inform Trust safeguarding reporting. |

## 4. The Headteacher's Power to Suspend or Permanently Exclude

### 4.1 Who may exclude

Only the headteacher (or an acting headteacher formally appointed to that role) may suspend or permanently exclude a pupil on disciplinary grounds. This power cannot be delegated to any other member of staff.

### 4.2 Suspensions

- A pupil may be suspended for one or more fixed periods — up to a maximum of 45 school days in any single academic year, including suspensions received from other schools.
- Suspensions do not need to be for full days. Lunchtime suspensions count as half a school day.
- Any time a pupil is sent home for disciplinary reasons and directed to online learning, they must be recorded formally as a suspension.
- The law does not permit extending a suspension or converting it into a permanent exclusion mid-period. In exceptional cases, usually where further evidence has come to light, a further suspension or permanent exclusion may be issued to begin immediately after the first suspension ends.
- During the first 5 school days, the headteacher should take steps to ensure work is set and marked. Online pathways may be used.

### 4.3 Permanent Exclusions

A permanent exclusion should only be used:

- 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.

Where permanent exclusion follows a pattern of persistent breaches, the headteacher should be able to demonstrate that a genuine, graduated response was followed and that approaches to behaviour management and other preventative measures were exhausted before permanent exclusion was decided upon.

Where permanent exclusion follows a single serious breach, a graduated response is not a precondition. The headteacher should be able to demonstrate that the incident itself was sufficiently serious to meet the threshold at 4.3 above, without the need for a prior escalation of sanctions. However, the headteacher should always consider alternatives such as (a) an off-site direction (see Section 8) or (b) managed moves (see Section 9) as preventative measures to permanent exclusion. Permanent exclusion is always a last resort.

### 4.4 Standards of Proof and Decision-Making

When establishing facts, the headteacher applies the civil standard of proof: on the balance of probabilities, it is more likely than not that a fact is true. The pupil's views should be taken into account (having regard to age and understanding) before a decision is taken, unless it would not be appropriate to do so. Contributing factors including unmet SEND need, vulnerability and underlying circumstances should also be considered and documented.

### 4.5 Examples of Grounds for Exclusion

| Examples — Suspension | Examples — Permanent Exclusion (last resort) |
|---|---|
| Continued or persistent disruption to lessons or the wider school day | Serious or repeated physical assault against a pupil or adult |
| Defiance of staff instructions | Possession, use or intent to supply an offensive weapon |
| Verbal abuse or threatening behaviour towards a pupil or adult | Supply, use of illegal drugs, or dealing/intent to deal, on school premises |
| Bullying (including online) | Serious sexual misconduct or sexual assault |

| | |
|---|---|
| Racist or discriminatory abuse | Sustained serious bullying despite repeated interventions |
| Damage to school or others' property (vandalism) | Deliberate and serious damage to property (e.g. arson) |
| Possession of drugs, alcohol, fireworks or a prohibited item | Serious actual or threatened violence against a pupil, member of staff or other adult |
| Theft | Any act posing a serious ongoing risk to the safety of others |
| Persistent poor behaviour despite earlier intervention not resulting in improvement | |

*NB: This list is illustrative only. The headteacher must exercise professional judgement based on individual circumstances in line with the school's Behaviour Policy.*

### 4.6 Cancelling an Exclusion

The headteacher may cancel any exclusion at any point before the Resolutions Panel has met to consider reinstatement. On cancellation, the headteacher must without delay notify parents, the governing board via the Trust Governance Professional, the Local Authority, and (where applicable) the pupil's social worker and VSH, together with the reason for cancellation.

Parents (or the excluded pupil, if aged 18 or over) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the cancellation. This meeting should be arranged without delay.

The pupil must be allowed to return to school without delay. Any days the pupil spent out of school prior to the cancellation count towards the maximum of 45 school days permitted in any school year. A permanent exclusion cannot be cancelled if the pupil has already reached, or would by the time of cancellation have reached, the 45-day maximum.

### 4.7 Internal Suspension

Internal suspension, isolation and reflection spaces are behaviour management tools governed by the school's Behaviour Policy and the DfE's Behaviour in Schools guidance. They do not constitute a suspension or exclusion for the purposes of this policy.

## 5. Notification Duties

### 5.1 Notifying Parents

Whenever the headteacher suspends or permanently excludes a pupil, they must notify parents without delay. Initial notification should be in person or by telephone in the first instance, followed by written confirmation.

The written notification must include:

- The reason(s) for the suspension or permanent exclusion
- The period of the suspension or, for a permanent exclusion, the fact that it is permanent
- The parents' right to make representations to the Resolutions Panel, how to do so, and how the pupil may be involved in this
- The parents' right to request that any panel meeting is held via remote access (video call), and how and to whom to make this request
- Where there is a legal requirement for a Resolutions Panel to consider reinstatement, the parents' right to attend, to be represented (at their own expense) and to bring a friend
- Where the pupil is of compulsory school age, the days on which parents must ensure the pupil is not present in a public place during school hours (the first five school days of the suspension or permanent exclusion, or until alternative provision begins if earlier)

The notification of the days on which the pupil must not be present in a public place (set out above) must be given without delay and, at the latest, by the end of the afternoon session on the first day of the suspension or permanent exclusion. This is an earlier deadline than applies to the other written notification requirements set out in this section.

Written notification may be delivered directly to the parent, left at their usual or last known home address, or posted. Electronic notification (email or text) is only permissible where parents have given prior written agreement for notices to be sent in this way.

Every exclusion letter must include details of the following sources of free and impartial advice:

- The DfE's Guidance for parents and carers on behaviour, suspension and permanent exclusion
- The local SENDIAS service (Information, Advice and Support for children and young people with SEND)
- Coram's Child Law Advice service
- IPSEA (Independent Provider of Special Education Advice)

### 5.2 Notifying the Local Authority

The headteacher must notify the Local Authority without delay of every

suspension and permanent exclusion, regardless of the length of the exclusion. This applies to all exclusions including lunchtime suspensions. There is no minimum threshold — **every exclusion triggers this duty**.

Notification must include the reason(s) for the exclusion and its duration or, in the case of a permanent exclusion, the fact that it is permanent.

Where applicable, the Local Authority must also be given, in writing, the information set out in Section 5.1 concerning the days on which the pupil must not be present in a public place, and the information set out in Section 5.5 concerning alternative provision arrangements. The Local Authority may specify a preferred format or system for receiving notifications. Headteachers should ensure they are familiar with the notification format required by their Local Authority.

For a permanent exclusion, where the pupil lives outside the Local Authority area in which the school is located, the headteacher must also notify the pupil's home Local Authority without delay.

### 5.3 Notifying the Governing Board

The governing board's duty to be notified of suspensions and permanent exclusions is discharged through the trust's leadership reporting arrangements. The headteacher notifies the executive team, and exclusion data is reported to the Trust Board through established governance reporting cycles. The Trust Governance Professional manages the administration of Resolutions Panels separately, without receiving substantive case information, in order to preserve the independence and procedural fairness of the panel process.

The headteacher must ensure the governing board is notified without delay of:

- Any permanent exclusion
- Any suspension which would bring the pupil's total number of days out of school to more than five school days (or more than ten lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test

For all other suspensions not captured by the above, the headteacher must inform the school governing board once per term (refer to SGB Assurance Framework)

### 5.4 Notifying the Social Worker and Virtual School Head (VSH)

Where a pupil has a social worker, the headteacher must notify the social worker without delay of any suspension or permanent exclusion, giving the period and reason(s). Where a pupil is a looked-after child (LAC), the headteacher must also notify the VSH without delay. Both the social worker and the VSH must be informed when a Resolutions Panel meeting is taking place so that they may share relevant information. They may attend the panel if they wish to do so, including by remote access.

### 5.5 Notifying Parties of Alternative Provision

Where alternative provision is being arranged from the sixth school day of a suspension or permanent exclusion, the headteacher must notify parents of the following without delay and no later than 48 hours before provision is due to start. Where alternative provision is due to begin before the sixth school day of the suspension or permanent exclusion, this information may be provided with less than 48 hours' notice, provided parents have given their consent.

- The start date for the provision
- The start and finish times, including morning and afternoon sessions where relevant
- The address at which provision will take place
- Any information the pupil needs to identify who to report to on the first day

Where this information is not available by the end of the afternoon session on the first day of the exclusion, it may be provided in a subsequent notice but must be given without delay and no later than 48 hours before provision begins.

### 5.6 Repeat or Subsequent Exclusions

Where a pupil is suspended again following an earlier suspension, or is subsequently permanently excluded, the headteacher must inform parents, and where relevant the pupil's social worker or the Local Authority (if the pupil has an EHC plan), without delay, and must issue a new exclusion notice.

## 6. Safeguarding, Off-Rolling and Lawful Exclusions

*NB: This section explains how safeguarding duties interact with the exclusions process, sets out what off-rolling is and why it is prohibited, and explains how the Trust expects every exclusion decision to be capable of being defended if challenged.*

### 6.1 Safeguarding and Child-on-Child Abuse

Where a safeguarding investigation is ongoing — whether or not it also involves the police — decisions about suspension or permanent exclusion must be made alongside the school's duty to safeguard and support all pupils, including the pupil who may be excluded. Schools must have regard to Keeping Children Safe in Education (KCSIE) throughout, and the

Designated Safeguarding Lead (DSL), or a deputy, must be involved in any decision that has a safeguarding dimension.

Before any decision is finalised for a pupil who is known to be vulnerable, has SEND, has a social worker, is looked after, is persistently absent, is at risk of exploitation, or where the behaviour may indicate unmet need or contextual risk, the headteacher must ensure that a safeguarding review has been completed with the DSL or Deputy DSL. This review should consider risk to the pupil, risk to others, known safeguarding history, contextual factors, pupil voice, reasonable adjustments, early help or statutory involvement, and whether the proposed action could increase safeguarding risk.



As in all cases, the best interests of the child come first, and schools should follow the general safeguarding principles set out in KCSIE.

### 6.2 Off-Rolling — Prohibited Conduct

Off-rolling is the unlawful removal of a pupil's name from the school roll without following the formal exclusion process set out in this policy. It is prohibited in all circumstances, regardless of whether it happens with a parent's agreement.

The July 2026 Guidance gives the following examples of off-rolling:

- exercising undue influence over a parent to remove their child from the school — including under the threat of a permanent exclusion — and encouraging them towards Elective Home Education or another school place
- moving a pupil to off-site alternative provision where this is not in the pupil's best interests
- encouraging a post-16 student to withdraw from their course of study when this is against their best interests
- sending a pupil home without a formal suspension, regardless of whether parents agree to it
- placing a pupil on a part-time timetable for behavioural reasons
- intentionally removing a pupil from the school roll without correctly following the regulations

Safeguarding separation (see Section 7) must never be used as a proxy for, or a precursor to, off-rolling. Any safeguarding separation must be

recorded formally and kept entirely separate from disciplinary exclusion records.

Ofsted considers evidence of off-rolling as part of its leadership and governance judgement. Where evidence shows pupils have been removed without proper process, or that a school has encouraged a parent to remove their child, this will negatively affect the school's inspection outcome if leaders have not taken sufficient action to address it.

If a parent believes they have been pressured into home-educating their child, or that the exclusion process has not been followed correctly, they can raise this through the Trust's Complaints Policy.

### 6.3 Unlawful Exclusions

It is unlawful to exclude a pupil, even for very short periods, for any of the following reasons:

- because they have special educational needs (SEN) or a disability that the school feels it cannot meet
- because of their academic ability or attainment
- as a condition of their reinstatement — for example, requiring attendance at a reintegration meeting before a pupil is allowed back into school

Every exclusion, however short, must be formally recorded and confirmed to parents in writing, including the reason(s) for it.

### 6.4 Procedural Defense — Evidencing the Decision-Making Process

A challenge to an exclusion decision may ultimately be tested against the principles applicable in an application for judicial review. This is a specific requirement at Independent Review Panel stage (see Section 12.3), and the Trust considers it good practice for the Resolutions Panel to apply the same standard when holding the headteacher to account for the lawful use of exclusion, in line with its wider duties in law, including equalities duties. Schools and Resolutions Panel members should therefore have regard to the following principles:

- ***Illegality*** — did the headteacher or Resolutions Panel act outside their legal powers?
- ***Irrationality*** — did they rely on irrelevant points, fail to take account of relevant ones, or reach a decision so unreasonable that no reasonable decision-maker could have made it?
- ***Procedural impropriety*** — was the process so unfair or flawed that justice was clearly not done? Examples include bias, not telling parents

of their right to make representations, the Resolutions Panel making a decision without giving parents the chance to make representations, not giving reasons for a decision, or a headteacher who made the exclusion decision then also voting on reinstatement.

Schools should be able to show, and document at the time:

- where the exclusion follows a pattern of persistent breaches, that genuine, graduated response and support strategies were tried and exhausted before exclusion was considered; where it follows a single serious breach, that the incident itself was sufficiently serious to justify exclusion without a prior graduated response
- that unmet underlying need — including possible SEND — was actively considered
- a clear, contemporaneous rationale for why exclusion was a proportionate response in the individual pupil's circumstances

## 7. Separation of Pupils for Safeguarding Purposes



### 7.1 What is Safeguarding Separation?

In certain circumstances, a school can temporarily forbid a pupil from attending its premises for safeguarding reasons — for example, where there has been an allegation of harm by one pupil against another and physical separation is required. This is not a disciplinary matter and is not an exclusion.



Where a school does not itself arrange education for the pupil during this period, and the parent does not do so either, the Local Authority must arrange it.

### 7.2 Requirements

(a) Use must be rare, and only where separating pupils is essential and cannot practicably be achieved while allowing one or more of the pupils

to remain on school premises

(b) The DSL (or a deputy) must take a lead role in the decision, using their professional judgement and supported by other agencies — such as children's social care or the police — as required

(c) The school governing board must be notified of the separation without delay

(d) The Local Authority must arrange suitable education if the school or parent does not

(e) Reintegration expectations apply in the same way as after a suspension

(f) The school must comply with the Human Rights Act 1998, the Equality Act 2010 and KCSIE throughout, and act reasonably, rationally and in a procedurally fair manner

### 7.3 Recording and Reporting

Safeguarding separations must be recorded entirely separately from disciplinary exclusions. Records must include: the date and duration; the reason; the decision-making threshold met; the agencies involved; confirmation the school governing board was notified; and the reintegration plan. This data is reported separately to the Trust Board as part of the Trust's pupil movement reporting (see Section 15).

### 7.4 Safeguarding Implications of Forbidding Attendance

Keeping a pupil away from school raises its own safeguarding considerations. The DSL must consider the risk to the pupil's welfare during the period of absence and take proportionate steps, including liaising with external agencies where needed. The Safeguarding Link Trustee(s) should seek assurance that safeguarding separation is never being used as a disguised form of disciplinary exclusion.

The safeguarding record should show how the pupil will remain visible during the period of separation, including contact arrangements, education provision, welfare checks, safeguarding monitoring, review dates, and any liaison with children's social care, police or the local authority.

## 8. Off-Site Direction

***Change — July 2026, paragraphs 39–57***
*From July 2026, off-site direction legislation applies equally to academies and pupil referral units (PRUs), and strict new procedural requirements — including a prescribed written notice — apply before any placement begins. See Annex D for the full notice checklist.*

## 8.1 Purpose and Framing

Off-site direction is when the school governing board requires a pupil to attend another education setting temporarily, in order to improve their behaviour. It is not a sanction, and it is not an exclusion — it must only be used to help a pupil improve their future behaviour, where in-school interventions and outreach support have been unsuccessful or are not appropriate.

The July 2026 Guidance frames alternative provision (AP) as an active, purposeful intervention rather than simply a placement — it should be time-limited (temporary), focused on clear outcomes, and planned from the outset with reintegration to mainstream provision as the intended end point. Off-site direction decisions should show clear evidence of:

- the intended outcomes for the pupil
- defined review points, with reviews taking place regularly regardless of when the last one was held
- a plan for reintegration back into mainstream provision
- why mainstream behaviour strategies alone were not sufficient

## 8.2 Procedural Requirements

| Step | Requirement | Detail |
|---|---|---|
| 1 | Written notice | Given to parents no later than two school days before the placement begins. |
| 2 | Prescribed notice content | Full address of the placement; a named contact for the pupil to report to; morning and afternoon session times and breaks (or single-session times); the number of days imposed; the reasons for, and objectives of, the direction. |
| 3 | Remote meeting right | The notice must state the parent's right to request a remote meeting and explain how to make that request. |
| 4 | Regular review | Placements must be reviewed regularly — this must happen regardless of whether a review meeting was held in the previous 10 weeks. |
| 5 | Legacy placements | Any placement already running before 26th July 2026 must have a compliant notice issued by 26th July 2026 and must be reviewed as soon as practicable after 1st August 2026. |

Parents (or the local authority, if the pupil has an EHC plan) can also ask for

a Resolutions Panel to hold a review meeting at any time; the Resolutions Panel must comply as soon as reasonably practicable, unless a review has already been held in the previous 10 weeks.

The pupil's views must be sought and considered, having regard to age and understanding, before an off-site direction or managed move is agreed, unless there is a clear reason why this would not be appropriate. Where pupil voice is not sought, the reason must be recorded.

## 9. Managed Moves



### 9.1 What is a Managed Move?

A managed move is a permanent, voluntary transfer of a pupil from one school to another, agreed by all parties — the pupil's current school, the receiving school, and the parents. It is subject to the statutory School Admissions Code.

### 9.2 Key Rules

(a) A managed move is permanent — there is no 'trial' or 'temporary' version. If a temporary arrangement is what's needed, off-site direction (Section 8) should be used instead

(b) Managed moves must go through the in-year admissions process, including any waiting list and the receiving school's published oversubscription criteria. A pupil undergoing a managed move must not be prioritised ahead of pupils already on that list unless they meet the criteria more closely

(c) A pupil must not be permanently excluded because they, or their parents, refuse to agree a managed move — this would be an unlawful, non-disciplinary exclusion

(d) Where a managed move is agreed, the pupil's name must be removed from the original school's admission register in line with the statutory process

(e) The receiving school must be given the pupil's attainment data, a current risk assessment, safeguarding information, and details of the behaviour strategies already tried

(f) Early interventions and multi-agency support should be exhausted before a managed move is considered

(g) Managed moves are considered separately from the Fair Access Protocol (FAP) — only prescribed categories of children can be placed via the FAP

### 9.3 Ofsted Scrutiny

Ofsted considers evidence of pressured or inappropriate managed moves as part of its leadership and governance judgement. The Trust Board should be assured that managed moves only take place when genuinely

appropriate, with proper information-sharing between schools.

The pupil's views must be sought and considered, having regard to age and understanding, before an off-site direction or managed move is agreed, unless there is a clear reason why this would not be appropriate. Where pupil voice is not sought, the reason must be recorded.

## 10. The Resolutions Panel — Panels for Suspensions and Permanent Exclusions

### 10.1 Remit of the Resolutions Panel

- Suspension panels, where a Resolutions Panel meeting is triggered (see 10.3)
- Permanent exclusion reinstatement panels

### 10.2 Why a Resolutions Panel?

- Expands the pool of trained panel members beyond trustees and local governors
- Reduces the risk of missing statutory timeframes, through better availability and scheduling
- Spreads the workload, independence and transparency across the Trust rather than relying on individual local governance volunteers
- Helps ensure consistent, high-quality decision-making across all schools

### 10.3 When must the Resolution Panel meet?

| Scenario | Panel required? | Timeframe |
|---|---|---|
| Suspension totalling 5 school days or fewer in a term | No — but must consider any representations made by the parents (does not have the power to reinstate) | N/A |
| Suspension taking the total number of school days to more than 5 but less than 15 in a term | Only if parents request it | Within 50 school days of the request |
| Suspension taking the total above 15 school days in a term (including totals like 15.5 days) | Yes — the panel must meet | Within 15 school days of the headteacher's notice |

| | | |
|---|---|---|
| Any suspension or permanent exclusion that will cause the pupil to miss a public exam or national curriculum test | Yes — the panel must meet, and so far, as reasonably practicable, before the exam or test date | Within 15 school days of the headteacher's notice |
| Permanent exclusion | Yes — the panel must meet | Within 15 school days of the headteacher's notice |

Where a suspension totals five school days or fewer in a term, the Resolution Panel must still consider any representations parents make but has no power to direct reinstatement and does not have to convene a meeting.

**10.4 Panel Composition**

At least three Resolution Panel members must be convened for each meeting which may be drawn from; trustees, local governors, central staff not involved in the management or operations of the relevant school and external volunteers such as lay community members or governance volunteers from other schools/trusts, subject to the conflict-of-interest rules at 10.5.

**10.5 Conflicts of Interest**

Panel members must not have any direct involvement in, or connection with, the incident or pupil concerned; a close personal relationship with the headteacher, pupil or family; or any other interest that could give rise to a real or perceived conflict. Staff members may serve on the Resolution Panel but must never sit on a panel where there is any possibility they know the child concerned.

### 10.6 Declarations of Interest and Register

All Resolution Panel members must complete a declaration of interests, held by the Trust Governance Professional via the TrustGov platform. In line with the Academy Trust Handbook, the Trust maintains a register of interests for Resolution Panel members and publishes this on the Trust's website annually.

### 10.7 Training

All Resolution Panel members, whether drawn from within the Trust or from another school or trust, must complete the following training before sitting on a Resolution Panel meeting, refreshed at least every two years unless stated otherwise:

- the statutory framework for suspensions and permanent exclusions, including the July 2026 changes
- panel processes and fair decision-making, including the principles a court would apply on judicial review
- safeguarding awareness (at minimum, Part 1 of KCSIE)
- Equality Act 2010 training, refreshed at least every 12 months

Resolution Panel members drawn from within the Trust will receive this alongside training on the Trust's Scheme of Delegation and this policy as part of their standard induction to the Resolution Panel.

Where a Resolution Panel member is external to the Trust, they must still receive a briefing on the Trust's Scheme of Delegation and this policy before sitting on any resolution meeting, even where their own organisation's training does not cover this — Resolution Panel members cannot be expected to apply Trust-specific process without it.

Where possible, at least one member convened for a meeting involving a pupil with special educational needs and/or a disability should have additional experience, training or expertise in supporting pupils with SEND.

### 10.8 Outcomes — Suspension Panel

A Resolution Panel meeting considering a suspension may: uphold the suspension; direct the pupil's immediate reinstatement; or direct reinstatement on a specified date. No conditions may be attached to reinstatement. The panel's decision and reasons must be communicated in writing to the headteacher and parents without delay.

### 10.9 Outcomes — Permanent Exclusion Panel

A Resolution Panel meeting considering a permanent exclusion may: uphold the exclusion; direct immediate reinstatement; or direct reinstatement on a specified date. Where the exclusion is upheld, parents must be told of their right to request an Independent Review Panel (see Section 12).

### 10.10 Remote Meetings

See Section 13. Parents (or the pupil, if aged 18 or over) may request a remote meeting. All suspension and permanent exclusion decision letters must clearly state this right and explain how to exercise it.

### 10.11 Preparing the Meeting Bundle



(a) Include an index at the start, clearly identifying each document by name and date
(b) Paginate the bundle sequentially throughout
(c) Divide the bundle into clear sections, with documents in chronological order within each section

(d) Clearly distinguish documents provided by the school from those provided by the parent or their representative
(e) Include, as a minimum, the Behaviour Policy, this policy, and the SEND Policy
(f) Set out clearly how pupils are anonymised in witness evidence (e.g. 'Pupil A', 'Pupil B')
(g) Where the excluded pupil has SEN, include all relevant documentation — for example an Individual Support Plan, EHC plan, or pupil profile

Depending on the case, other essential documents may include attendance records; behaviour incident logs; achievement and academic records; correspondence between school and family; CCTV or photographic evidence (with appropriate access controls/redaction); witness statements from staff, the excluded pupil, and anonymised peer witnesses; risk assessments or reintegration plans; the headteacher's statement or investigation report; and the current DfE statutory guidance.

The Trust Governance Professional/Local Clerk is responsible for coordinating bundle preparation and ensuring bundles reach all panel members and parties in good time before the hearing.

## 11. The Governing Board's Duties — Strategic Oversight



### 11.1 How Notification is Discharged at The Mercian Trust

The governing board's notification arrangements are set out in full at Section 5.3. This separation between leadership reporting and Resolution Panel administration is deliberate: it prevents the Trust Governance Professional, who administer Resolution Panel hearings, from receiving substantive case information that could compromise the impartiality of panel members.

### 11.2 Data Oversight

The Trust Board must review data covering all forms of pupil movement, including:

- suspensions (frequency per pupil, cumulative totals, reasons, patterns)
- permanent exclusions

- off-site directions (number, duration, and financial cost)
- managed moves
- safeguarding separations, recorded separately from disciplinary exclusions
- part-time timetables

Data must be broken down by protected characteristics, SEND status and vulnerability indicators, benchmarked against national figures, and analysed for trends.

### 11.3 Challenge and Scrutiny

Board-level reporting should cover: patterns of pupil movement; root-cause analysis; reintegration effectiveness; the financial cost of off-site placements; and due diligence on managed moves, including whether early interventions were exhausted and information-sharing protocols were followed.

## 12. Independent Review Panel (IRP)

### 12.1 Right to Request

Where a Resolution Panel hearing upholds a permanent exclusion, parents (or the pupil, if aged 18 or over) have the right to request an IRP (Independent Review Panel). This right must be clearly stated in the panel's written decision letter, along with the 15-school-day deadline for applying.

### 12.2 Arranging an Independent Review Panel (IRP)

For schools/academies, it is the academy trust — not the local authority — that is responsible for arranging the IRP, at the Trust's own expense. The IRP must be independent of the original decision-makers and must consist of at least three members: one with recent school leadership experience, one with governance experience (a current or recent governor, drawn from any type of school covered by the guidance), and one lay member who chairs the panel and has never worked in a school in a paid capacity. The review must begin within 15 school days of the parent's application.

### 12.3 IRP Outcomes

An IRP may:

- ***uphold*** the Resolution Panel's decision
- recommend that the Resolution Panel ***reconsiders*** reinstatement
- or ***quash*** the decision and direct reconsideration.

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

A decision can only be quashed where the panel considers it was flawed against the same judicial review principles set out at 6.4 — illegality, irrationality, or procedural impropriety .

New evidence may be presented to the panel. However, the school must not introduce new reasons for the permanent exclusion or for the decision not to reinstate the pupil. Any new reasons put forward must be disregarded by the panel.

When deciding whether the Resolution Panel's decision not to reinstate the pupil was flawed, such that the decision should be quashed, the IRP must only consider the evidence that was available to the Resolution Panel when it made its decision. This includes any evidence that the IRP considers would or should have been available to the Resolution Panel at the time of its decision.

If new evidence is presented that it would not have been reasonable to expect the Resolution Panel to have known about when it made its decision, the IRP may take that evidence into account when deciding whether to recommend that the Resolution Panel reconsider reinstatement.

Where reconsideration is directed or recommended, the Resolution Panel must reconvene within 10 school days of being notified of the IRP's decision.

### 12.4 Financial Consequences of a Quashed Decision

Where an IRP quashes a decision not to reinstate and directs reconsideration, it may order a financial adjustment unless, within 10 school days of the IRP's decision, the Resolution Panel decides to reinstate the pupil. As the Trust is an academy trust, the payment is made directly to the Local Authority in whose area the academy is located.

Payment must be made within 28 days of notification of the IRP's direction. No financial adjustment can be ordered where the IRP has only recommended, rather than directed, reconsideration; and none is due if the Resolution Panel offers reinstatement within the 10-school-day window, even if the parents then decline it.

## 13. Remote Access Meetings

**13.1** In-person meetings are the default for Resolution Panel meetings and IRPs. However:

- parents (or the pupil, if aged 18 or over) may request a remote hearing; where requested correctly, the panel or arranging authority must hold the meeting remotely, provided it can be done fairly and transparently
- every suspension and permanent exclusion decision letter must clearly state the right to request a remote meeting and explain how to do so
- in exceptional circumstances that make an in-person meeting impracticable — for example an unforeseen school closure — a remote hearing may be held even without a parental request
- social workers and Virtual School Heads (VSHs) must always be allowed to join remotely if they wish, even where the rest of the meeting is in person, provided they can participate effectively

**13.2** A remote meeting must not go ahead or must be moved to an in-person format, if technology issues prevent participants being properly seen or heard, or if a safeguarding risk assessment concludes a remote format cannot be fair and transparent.

**13.3** Before requesting a remote meeting, parents should consider whether they have a suitable space free from distractions and reliable internet access — a remote meeting should not be requested where connectivity is likely to be intermittent. The Trust will never place pressure on a parent to choose a remote meeting, even where this would allow a hearing to be arranged sooner.

## 14. Equalities, SEND and Vulnerable Pupils

**14.1** Schools must comply with the Equality Act 2010 at every stage of the exclusion process. Exclusion must never be based on a protected characteristic, and reasonable adjustments must be considered for disabled pupils before exclusion is decided upon.

- It is unlawful to exclude a pupil solely because of SEN or a disability the school feels it cannot meet
- Where a pupil has an EHC plan, the SEND Code of Practice must be followed throughout, and schools should contact the Local Authority about behavioural concerns at an early stage — including considering an early annual review before deciding to suspend or permanently exclude
- Where a pupil has a social worker — for example because they are subject to a Child in Need or Child Protection Plan — the headteacher should involve the social worker, the DSL and the pupil's parents as early as possible
- Where a pupil is looked-after (LAC), the Designated Teacher should contact the Virtual School Head (VSH) as soon as possible to consider what additional support may reduce the need for suspension or permanent exclusion
- Where a pupil has a social worker or is LAC, the headteacher must notify the social worker and/or VSH without delay following any suspension or permanent exclusion
- The board must review exclusion data broken down by protected characteristic, SEND status and vulnerability, and scrutinise any disproportionate impact

**14.2** Claims of discrimination can be made to the First-tier Tribunal (SEND), for disability discrimination, or the County Court, for other forms of discrimination, up to six months after the alleged discrimination. Schools should retain all relevant exclusion records and evidence for at least six months for this reason.

## 15. Data, Reporting and Monitoring

**15.1** Schools must anonymously and regularly report all suspension, permanent exclusion and pupil movement updates to each Quality of Education Committee and submit relevant data via the termly school census, recording up to three reasons per exclusion where applicable. Trust data dashboards must include a category for safeguarding separations, kept entirely separate from disciplinary exclusion data, from July 2026.

**15.2** Where a pupil's name is removed from the school register following a permanent exclusion, the school must transfer the Common Transfer File (CTF) to the new school within 15 school days, and the DSL must ensure the pupil's child protection file is transferred securely — within 5 school days for an in-year move — with confirmation of receipt obtained.

**15.3** No pupil movement arrangement should result in reduced safeguarding oversight, unclear professional responsibility, or delay in the transfer of safeguarding information.

## 16. Related Policies and Documents

**16.1** School Behaviour Policies
Safeguarding and Child Protection Policy
SEND Policy
Admissions Policy
Complaints Policy
DfE: Suspension and Permanent Exclusion Guidance (July 2026)
DfE: Behaviour in Schools Guidance
DfE: Keeping Children Safe in Education

**Annex A**

# Summary Flowchart — Suspension and Exclusion Process

At each stage the headteacher must consider SEND needs, the involvement of a social worker where applicable, and compliance with the Equality Act 2010.

**1** **Incident occurs** — headteacher investigates

**2** **Decision:**

- **Suspend** (fixed period)
- **Permanently exclude**

**3** **Headteacher notifies parents in writing without delay** — reason, length, right of representation, right to request a remote meeting

**4** **Notify without delay:**

- Local Authority
- Governing board (via leadership reporting/central governance team)
- Social worker/ VSH, if applicable

**5** **Days 1–5:** school sets and marks work (online pathways may be used).
**Day 6 onwards:** full-time alternative provision arranged for suspensions over 5 days

**6** **Resolution Panel** convened, if triggered — see Section 10 and Annex B

**7** **Suspension:** reintegration meeting on return.
**Permanent exclusion:** IRP process available — see Section 12

- **Suspension** — Reintegration meeting on return
- **Permanent exclusion** — IRP process available — see Section 12

**Annex B**

# Resolution Panel Process Flowchart

Panel functions are sub-delegated from the Trust Board to the Resolution Panel in accordance with the Trust's Scheme of Delegation.

## 1 Incident referred to the Resolution Panel

- Triggered by a decision to permanently exclude.
- Headteacher submits all relevant documentation and rationale.

## 2 Panel constituted

- Panel members are appointed in accordance with the Scheme of Delegation.
- Ensure no conflicts of interest.
- Clerk schedules the meeting.

## 3 Documentation circulated

- All papers circulated to panel members in advance.
- Includes pupil's record, evidence, policies and relevant guidance.

## 4 Resolution Panel meeting

- Panel considers the case, hears from the headteacher and others as appropriate.
- Pupil's parent(s)/carer(s) may be invited to make representations.
- Panel may ask questions and request further information.

## 5 Decision

- Panel decides to uphold or overturn the permanent exclusion.
- Decision must be based on the evidence and in line with the law, policy and guidance.
- Decision is recorded with reasons.

## 6 Outcome communicated

- Clerk writes to parent(s)/carer(s) without delay.
- Decision letter includes reasons and information on the right to request an Independent Review Panel (IRP).
- Headteacher is informed.

## 7 IRP (if requested)

- If parents/carers request an IRP, arrangements are made in line with regulations.
- Information provided to the IRP panel.
- IRP decision is final.

## 8 Learn and improve

- Panel outcomes and themes are reviewed periodically.
- Insights used to inform behaviour strategies and practice.

The Resolution Panel acts fairly, impartially and in the best interests of the pupil, ensuring natural justice at all times.

**Annex C**

# Parental Notification Checklist

*Use this checklist to confirm all required notifications have been made following a suspension or permanent exclusion.*

| Action | Who | When | Done |
|---|---|---|---|
| **Notify parents in writing**<br>*Reason, length, right of representation, right to a remote meeting* | Headteacher | Without delay | ☐ |
| **Notify the Local Authority in writing**<br>*Every exclusion, regardless of length — no threshold applies* | Headteacher | Without delay | ☐ |
| **Notify the governing board**<br>*Via the Trust's leadership reporting arrangements (see Section 5.3)* | Headteacher | Without delay | ☐ |
| **Notify the pupil's social worker**<br>*If applicable* | Headteacher | Without delay | ☐ |
| **Notify the Virtual School Head**<br>*If the pupil is LAC or previously looked after* | Headteacher | Without delay | ☐ |
| **Set work for the pupil**<br>*For the first 5 school days* | Headteacher / class teachers | From day 1 | ☐ |
| **Arrange full-time alternative provision**<br>*Where the suspension exceeds 5 school days* | Headteacher / Trust | By day 6 at the latest | ☐ |
| **Confirm Resolution Panel meeting date**<br>*If triggered — see Section 10.3* | Trust Governance Professional | Within the statutory window | ☐ |
| **Confirm the IRP right in writing**<br>*For permanent exclusion, after the panel decision* | Resolution Panel / headteacher | After the panel decision | ☐ |
| **Plan the reintegration meeting**<br>*For return from suspension* | Headteacher / SENCO | Before the pupil returns | ☐ |

**Annex D**

# Off-Site Direction Process Flowchart

At every stage the school must consider SEND, safeguarding, Equality Act duties and the best interests of the pupil.

## 1 Behaviour concerns continue despite school interventions

School uses a range of strategies, practices and interventions in line with the Behaviour in Schools guidance.

## 2 Headteacher considers whether an Off-Site Direction is appropriate

(Not a sanction and not an exclusion.)

Headteacher considers evidence, pupil circumstances (including SEND), safeguarding and Equality Act duties.

## 3 School identifies suitable Alternative Provision

- Clear objectives agreed
- Reintegration plan identified
- Review arrangements established

## 4 Written notice issued to parents

**Must include:**

- Full address of the placement
- Name of a specific contact
- Morning session times
- Afternoon session times
- Break times
- Number of days the direction is imposed
- Reasons for the off-site direction
- Objectives of the off-site direction
- Parental right to request a remote meeting
- Notice given at least two school days before the placement begins

## 5 Parent informed — Parental consent is not required.

Parents may:

- discuss the proposal
- request a review meeting
- request the meeting be held remotely

The school should work collaboratively with parents and explain the reasons, objectives and intended outcomes of the placement.

**Important**

**Parental consent is not required for an Off-Site Direction.**

This is a planned intervention, not a sanction or exclusion.

## 6 Off-Site Direction begins

Pupil attends the alternative provision in line with the agreed schedule.
Progress is monitored regularly against the agreed objectives.
Regular reviews take place with the school and alternative provision.

## 7 Reintegration to mainstream school

Progress is reviewed. The placement ends when objectives are met and reintegration is planned and supported.

Off-Site Directions are subject to regular review and must be ended when they are no longer necessary or when the agreed objectives have been achieved.