



School Exclusions, suspensions, managed moves and off-site directions policy

Primary Level



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1. Introduction

- 1.1. As a trust, MLP and its schools will always strive to do our best for all the young people in our care, for their families, and for the wider communities we serve. Helpful, positive behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education. Therefore, the government recognises that school suspensions, exclusions, managed moves and off-site direction are essential behaviour management tools for Head Teachers and can be used to establish high standards of behaviour in schools and maintain the safety of school communities.
- 1.2. For the vast majority of pupils, suspensions and permanent exclusions will not be necessary, as other strategies can manage behaviour. However, if approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm and supportive environments.
- 1.3. This policy is a companion to the MLP's individual school's behaviour policies. An exclusion will only be initiated where other behaviour management strategies have failed, or, in the case of a serious single incident, following a proper and procedurally fair investigation. The decision to exclude a pupil must be lawful, reasonable and procedurally fair. This Exclusion Policy is in line with statutory guidance (Statutory Guidance for those with legal responsibilities in relation to exclusion, September 2023).

2. Definitions - Types of Suspension and Exclusion

Internal Suspension

- 2.1. Internal suspension is when a pupil is excluded from the rest of the school and must work away from their class for a fixed amount of time. This will often be in a different part of the school. An internal suspension is a discretionary measure, where a pupil's behaviour is escalating and more serious measures need to be taken, but there are not yet grounds for a suspension or exclusion. Typically, a child receiving a consequence of this level should be receiving additional support for their behaviour, intended to help them to avoid their behaviour escalating to a point where a suspension is necessary (examples: behaviour chart to address specific behaviours causing a problem; support from the learning mentor/pastoral team etc).

Suspension

- 2.2. A fixed period exclusion (from here on referred to as a suspension), where a pupil is temporarily removed from the school, is an essential behaviour management tool that should be set out within a school's behaviour management policy. A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion.
- 2.3. During a suspension, pupils still receive their education: Head Teachers should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. If a child is entitled to free school meals, these should still be provided. A suspension should be for the shortest time necessary to ensure minimal disruption to the child's education, whilst mindful of the seriousness of the breach of policy. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period. Should a pupil reach 45 days of suspension in an academic year, the pupil becomes permanently excluded.
- 2.4. A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.

Permanent Exclusion

2.5. A permanent exclusion is when a child is no longer allowed to attend school (unless the pupil is reinstated).

Lawful reasons for a pupil suspension or exclusion

2.6. Any decision of a Head Teacher, including the decision to suspend or permanently exclude a pupil, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate. A pupil may only be permanently excluded for one of the following reasons:

- A single serious breach or persistent breaches of the school's behaviour policy; or
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school (staff, pupils, volunteers and visitors).

2.7. Any suspension or exclusion will be the decision of the legal Head Teacher, usually in consultation with other members of the senior leadership team (particularly if they were involved in investigating the incident) and a member of the Trust Leadership Group (TLG) must be informed that a decision is being made. The civil standard of proof must be applied, i.e 'on the balance of probabilities', rather than the legal standard of 'beyond reasonable doubt'.

2.8. The government trusts head teachers to use their professional judgement based on the individual circumstances of the case when considering whether to exclude a pupil. The government provides the reasons below as examples of the types of circumstances that may warrant a suspension or permanent exclusion.

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

This list is not exhaustive and is intended to offer examples rather than be complete or definitive. Up to three reasons can be recorded for each suspension or permanent exclusion (where applicable).

2.9. The physical and emotional health of our children and staff is our primary concern, and we therefore accept that in some serious situations permanent exclusion may be necessary if all other strategies have been exhausted.

Equal Opportunities

2.10. MLP recognises that it is unlawful to exclude a pupil based on their gender, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age, or sexual orientation.

3. What happens when a pupil is progressing towards suspension or permanent exclusion?

Persistent or cumulative problems

3.1. Internal suspension and suspension may be used in response to persistent poor behaviour which breaches school rules and policies. A suspension, where a pupil is temporarily removed from the

school, is an essential behaviour management tool that should be set out within a school's behaviour policy.

- 3.2. Where suspensions are becoming a regular occurrence for a pupil, Head Teachers and schools should consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour. Additional strategies could include joint action plans with parents, child and school, behaviour intervention with the Learning Mentor / Pastoral Support, emotional literacy support, target setting, home/school communication book etc.
- 3.3. The length of a suspension will depend upon a number of factors, such as the severity of the incident, and the likely impact on the child's learning and ability to succeed on returning to school. Such decisions will be made in the best interests of the child and their peers, whilst also mindful of the need to reinforce the rules and expectations of the school in a clear and consistent way.

Pupils at risk of permanent exclusion

- 3.4. In the most serious cases, where the problem persists and there is no improvement, a permanent exclusion may be necessary. In such cases the Head Teacher or a designated senior leader will investigate the trigger incident and consider all evidence to support the allegation, taking account of the school's policies. The pupil will be encouraged to give his/her version of events if they are able to and the Head Teacher will check whether the incident may have been provoked, for example by bullying or racial harassment.

Behaviour outside of school

- 3.5. Pupils' behaviour outside school is subject to the school's behaviour policy. Unacceptable behaviour will be dealt with as if it had taken place in school; and additionally this includes any serious breach of policy which could 'bring the school into disrepute'.

Safeguarding considerations

- 3.6. A suspension or exclusion will not be enforced if doing so may put the safety of the pupil at risk. In cases where parents will not comply by, for example, refusing to collect the child during the school day, the child's welfare is the priority. In this situation, depending on the reason for the suspension or exclusion, the school may consider an internal suspension until the end of the day, implementing the original suspension or exclusion decision from the time the child is collected from school, or, in more serious circumstances, the school may contact Social Services and/or the Police to safely take the pupil off site.

Safeguarding

- 3.7. If a behavioural incident also involves safeguarding issues, the school must have regard to Keeping Children Safe in Education. The Designated Safeguarding Lead should take a leading role in any decisions relating to a suspension or permanent exclusion, or the pupil's reintegration. If necessary, the DSL should seek the support of other agencies, and undertake a risk assessment as appropriate (in the cases of sexual violence or sexual harassment).

Pupils with special educational needs and disabled pupils

- 3.8. The school must take account of any special educational needs or disabilities when considering whether or not to suspend or exclude a pupil. The Head Teacher should ensure that reasonable steps, in line with the Disability Discrimination Act have been taken by the school to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to the disability.
- 3.9. If a pupil has an EHCP, contact should be made with the LA about behavioural concerns, and consideration should be given to requesting an early annual review alongside any decision to suspend or permanently exclude.
- 3.10. Evidence of early intervention or multi-disciplinary input being called upon to demonstrate that permanent exclusion is a last resort is essential for pupils with additional needs.

Looked after children

- 3.11. Where a pupil has a social worker, e.g. because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the Head Teacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations.
- 3.12. Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority's Virtual School Head Teacher (VSH) as soon as possible. The VSH, working with the DT and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Where relevant, the school should also engage with a child's social worker, foster carers, or children's home workers.
- 3.13. All looked-after children should have a Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan. This should be reviewed every term and any concerns about the pupil's behaviour should be recorded, as well as how the pupil is being supported to improve their behaviour and reduce the likelihood of exclusion. Monitoring of PEPs can be an effective way for VSHs to check on this.

4. Off-rolling and unlawful exclusions

- 4.1. Telling or forcing a pupil to leave school, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave school, or forbidden from attending school, on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- 4.2. Suspending a pupil for a short period of time, such as half a day, is permissible but the formal suspension process must still be followed. Each disciplinary suspension and permanent exclusion must be confirmed to the parents in writing with notice of the reasons for the suspension or permanent exclusion. Any exclusion of a pupil, even for short periods, must be formally recorded. It would also be unlawful to exclude a pupil simply because they have SEN or a disability that the school feels it is unable to meet, or for a reason such as, academic attainment/ability; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.
- 4.3. If any of these unlawful exclusions are carried out and lead to the deletion of a pupil's name from the register, this is known as 'off-rolling'. An informal or unofficial exclusion, such as sending a pupil home 'to cool off', is unlawful when it does not follow the formal school exclusion process and regardless of whether it occurs with the agreement of parents. A further example of off-rolling would be exercising undue influence over a parent to remove their child from the school under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or to find another school place. If a parent feels pressured into electively home educating their child or that the suspension or permanent exclusion procedures have not been followed, they can follow the school's complaints procedure with the governing board. Ofsted considers any evidence of off-rolling and is likely to judge a school as inadequate if there is evidence that pupils' names have been removed from the school admission register without a formal permanent exclusion or by the school encouraging a parent to remove their child from the school, and leaders have taken insufficient action to address this.

5. What process is followed when a pupil is suspended or excluded?

Making the decision to suspend a pupil

- 5.1. If the Head Teacher decides to suspend a pupil, he/she will:
 - ensure that there is sufficient recorded evidence to support the decision (the suspension and exclusion checklist may be used for this purpose) and evidence of alternative options were considered;

- Pupil voice: ensure that the pupil has an opportunity to discuss the allegation or incident with the senior staff member appointed to investigate the situation;
- Ensure that the record of suspensions is reviewed to ensure that the school is aware if the pupil will trigger the 45 days of suspension rule and become permanently excluded (recording of suspensions should mirror the register, for example, a pupil suspended in the morning and missing afternoon registration is recorded as a half day suspension);
- Explain the decision to the pupil appropriately, if the pupil is in the state of mind to listen to the decision;
- Contact the parents by telephone at the earliest opportunity, explain the decision and ask that the child be collected (if the parents cannot collect their child until the end of the day, an internal suspension should be considered ahead of the suspension);
- Send a letter to the parents, without delay, confirming the reasons for the suspension, the length of the suspension or and any terms or conditions agreed for the pupil's return;
- Must notify the LA regardless of the length of the suspension without delay;
- Ensure that any social workers or the Virtual School Head are advised if the child is in receipt of these services, without delay;
- In cases of more than a day's suspension, ensure that appropriate work is set and that arrangements are in place for it to be returned and marked;
- In cases of more than a day, when a child is entitled to a free school meal, arrange for a meal to be delivered or collected by the family;
- Plan how to address the pupil's needs and integration back into their class on his/her return;
- Plan a meeting with parents and the pupil on his/her return to be conducted by a suitable senior member of staff; and
- Make arrangements for suitable full-time alternative education for pupils receiving suspensions over five school days in duration.
- Consider if it is necessary to inform the governing body (see section below) in advance of the next Leadership Report to the LGB.

5.2. The Exclusion Checklist and Record may be completed for any decision to suspend a pupil to support record keeping.

Making the decision to permanently exclude a pupil

5.3. If the Head Teacher decides to permanently exclude a pupil, he/she will:

- ensure that there is sufficient recorded evidence to support the decision by appointing a senior leader to investigate the incident and considering all evidence available, (the suspension and exclusion checklist may be used for this purpose) and evidence of alternative options were considered;
- Pupil voice: ensure that the pupil has an opportunity to discuss the allegation or incident with the senior staff member appointed to investigate the situation;
- Must: inform the parents, social worker (where relevant), local governing board¹ and local authority, without delay, clearly setting out all reasons² for the exclusion and provide up-to-date links to sources of impartial advice for parents and information on the right to appeal to the governors;
- ensure that the pupil receives work for the first five days of the permanent exclusion;
- ensure that the exclusion is reported to governors at the next governing body meeting, and to the Trustees at the next Trustee Board meeting;
- ensure that the Clerk to the governing body is made aware of any request to appeal the permanent exclusion.

¹ The local governing board of the school is notified, and will be invited to form any subsequent panels required under this procedure, however the Trust reserves the right to use any governor from any local governing body of a MLP school to form the panel in order to expedite the process as necessary.

² This should include any previous behaviour incidents that they have taken into consideration in arriving at the decision to suspend or permanently exclude.

- 5.4. The Head Teacher has the right to withdraw, or cancel, an exclusion that has not yet been reviewed by the governing body. If an exclusion is withdrawn, the Head Teacher will:
- Write to the parents of the pupil confirming the date of return to school and the proposed plans for reintegrating the pupils to school life, including the date and time of a reintegration meeting.

Notifying those within the governance structure

- 5.5. The Head Teacher must, without delay, notify the Trust Leadership Group, and local governing board of:
- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
 - any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
 - any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test
- 5.6. The Trustee Board will receive notification of any incidences of the above in a report at its next meeting.

The governing body's duty³ to consider an excluded pupil's reinstatement

Permanent exclusion or where a total number of days is greater than 15 in a term

- 5.7. A panel of governors from within the Trust's governance structure must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the Head Teacher if:
- it is a permanent exclusion;
 - it is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term;
 - it would result in the pupil missing a public examination or national curriculum test

Suspensions of more than five days but less than 15 in a term

- 5.8. If a suspension would result in a pupil being excluded for more than five but no more than 15 days in a term and the parents make representations, then a panel of governors should meet within 50 school days of receiving the notice of suspension and decide whether the suspended pupil should be reinstated. In the absence of any representation from parents the panel of governors is not required to meet and cannot direct the reinstatement of the pupil.

Public examinations or national curriculum tests

- 5.9. Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for a panel of governors. It must, so far as is reasonably practicable, consider and decide on the suspension or permanent exclusion before the date of the examination or test.

Suspensions less, or no more than, five days in a term

- 5.10. In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, a panel of governors must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.
- 5.11. The following parties must be invited to a meeting of a panel of governors and allowed to make representations or share information:

³ The MLP of delegation outlines that the panel that discharges this duty can be formed of any trust governor or trustee

- parents (and, where requested, a representative or friend);
 - the pupil if they are 18 years or older;
 - the Head Teacher;
 - the child's social worker if the pupil has one; and
 - the VSH if the child is LAC.
- 5.12. Where legally required to consider reinstating a suspended or permanently excluded pupil, the panel of governors must notify parents, the Head Teacher, and where relevant, the local authority, the pupil's social worker and/or the VSH of its decision, and the reasons for it, in writing and without delay. Where the pupil resides in a different local authority area from the one in which the school is located, the panel of governors must also inform the pupil's 'home authority'.
- 5.13. In the case of a permanent exclusion where the panel of governors decides not to reinstate the pupil, the panel must write a notification letter to the parents and provide notice of the parents right to have the decision reviewed by an Independent Review Panel. The letter must contain all of the information outlined in section 132 of the statutory guidance.

6. What happens during and after an exclusion?

School work for provision for a suspended pupil

- 6.1. When a pupil is suspended for more than one day, work should be set by the school within a reasonable time-scale and this should be returned to the school when the suspension is over. If a child is suspended at the end of a school day, then it may not be possible to arrange for work to be set until the following morning.
- 6.2. A pupil can be suspended for up to 10 continuous days on a fixed term basis. On the 6th continuous day, the school is responsible for providing education for the pupil, which could be at another local school, the pupil referral unit or by providing home education.

Re-integration prior to return from a suspension or a cancelled exclusion

- 6.3. After a period of suspension the pupil and parent will be requested to attend a reintegration meeting with a senior member of staff. At this meeting, the behaviour leading to the suspension will be discussed and targets will be set for improvement. Support around behaviour will also be discussed. The notes of the reintegration meeting will usually be shared with the parents.

School Registers

- 6.4. A pupil's name will be removed from the school admissions register if:
- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
 - The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register. Where excluded pupils are not attending alternative provision, code E (absent) will be used. The school cannot backdate the deletion of the pupil's name to the date the pupil's exclusion began.

Reporting to Local Authority

- 6.5. The Local Authority has a duty to record all suspensions and permanent exclusions, as such the Head Teacher must ensure that local reporting procedures are followed.

7. What other arrangements can be made as an alternative to suspension or permanent exclusion?

Off-site direction

7.1. A Head Teacher within the MLP may, under the general powers granted to multi-academy trusts, arrange off-site provision for a pupil at another education setting. Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction should be used to arrange time-limited placements at an Alternative Provision, or another mainstream school. During the off-site direction to another school, the pupil must be dual registered. A proposed maximum period of time should be discussed and agreed upon as part of the planning phase for an off-site direction.

Making the decision to give an off-site direction

- 7.2. If the Head Teacher decides to direct a pupil off-site he/she will:
- Ensure that there is sufficient recorded evidence to support the decision.
 - Ensure that parents and the local authority (if the pupil has an EHCP) are notified in writing and provided with information about the placement as soon as practicable after the direction has been made, and no later than two school days before the relevant day.
 - Ensure that review meetings are held by representatives of the governance structure of the MLP, and are planned for at such intervals as necessary during the off-site direction.
 - Ensure that parents and the Local Authority (for pupils with an EHCP) and all other relevant agencies receive invitations at least six days prior to any review meeting.
 - Ensure that the governance review panel provides an outcome within 6 days of each review meeting on the decisions made at the review
 - Ensure that the pupil is supported with reintegration should the off-site direction be terminated.

Procedure for convening meetings to review Off-Site Directions

7.3. A panel of three members from within the MLP governance structure will be convened within 15 days of the request for a review meeting. At least six days notice will be provided to the parents of the pupil and the Local Authority. The panel will hear information from the school and the alternative provision (AP) about the progress that the pupil is making and consider the recommendations of the school and the AP about the continuing suitability of the off-site direction. The parent and the Local Authority may also make representations to the panel. The parent may be supported by an external party at the review meeting. The panel will provide a written outcome of its decision within six days of the review meeting. This letter will outline whether the off-site direction should continue to be in place and for what length of time, when it will next be reviewed, or that the placement has served its purpose and the date that it will end. There is no right of appeal outlined in the government guidance.

Managed move

7.4. In cases where the Head Teacher and parents agree that the progress of the pupil has been unsatisfactory and the pupil is unwilling or unable to profit from the educational opportunities offered, or if a parents failure to engage in strategies implemented by the school are resulting in a continuing pattern of poor behaviour or lack of improvement in behaviour, the Head Teacher may consult with the Local Authority and/or with colleagues locally and propose a managed move to another school. This is not suspension or exclusion and in such cases the Head Teacher may assist the parents in placing the pupil in another school.

Procedure for appeal against a permanent exclusion

7.5. If parents wish to appeal the decision to permanently exclude their child, the notification letter provided will provide information on the Independent Review Panel (IRP) process. Notification must be made by the parents within 15 working days of the notice from the panel of governors of the decision not to reverse the permanent exclusion.

Independent Review Panel Stage

7.6. An IRP can make the following binding decisions:

- Uphold: review the decision not to reinstate and uphold the decision of the panel of governors
- quash the panel's decision and direct that the panel of governors reconsiders reinstatement.
- recommend that the panel of governors reconsiders reinstatement.

Suspension and Exclusion Checklist Record (Audit trail)

| | |
|--|---|
| | |
| Pupil Name | |
| Date | |
| Type of exclusion | Internal suspension/ suspension from school / Permanent exclusion |
| If suspension or internal - what is the proposed period? | |
| The LA must be informed regardless of the length of the exclusion, without delay | |
| Total number of fixed term exclusion days to date (exceed 45 in an academic year converts to a permanent exclusion) | |
| Pupil voice requirement met? Has the incident been investigated with all parties in a sensitive and fair way? | |
| What other factors could have contributed to the pupils behaviour and have these been sufficiently taken into account? (SEND, bereavement, bullying etc) | |
| Where a pupil is showing persistent poor behaviour, or is not responding to low level sanctions: <ul style="list-style-type: none"> • Have behaviour trigger points been reviewed with key staff prior to this incident? • Have the pupil's parents been engaged in behaviour discussions prior to this point? • Has any external support or assessment been requested? • Is there an audit trail of support plans in place? | |
| File notes: What happened? Is there a record of all exclusion reasons, providing sufficient detail and evidence of robust assessment of the exclusion decision: <ul style="list-style-type: none"> • A serious breach of the behaviour policy? • Persistent breaches of the behaviour policy? • Remaining in school would seriously harm the education or welfare of 16 others in the school (including staff, pupils, volunteers and visitors) | |
| Is the decision to exclude the pupil rational, reasonable, fair and procedurally correct and proportionate? | |
| Was the parent informed of the decision immediately? Was the formal letter prepared and issued without delay? | |