



New Direction School



Exclusion Policy

Reviewed Date:	Reviewed By:	List of changes	Next Review
August 2021	Luke Collins	<ul style="list-style-type: none"> Updated Roles and Responsibilities 	August 2022
July 2022	Luke Collins	<ul style="list-style-type: none"> Reviewed with no changes needed 	July 2023
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1. Aims

Our school aims to ensure that:

- the suspension and permanent exclusion process is applied fairly, consistently and transparently;
- pupils, parents/carers, staff, the Proprietor and placing local authorities understand the process and their responsibilities;
- pupils in school are safe, happy and able to learn;
- exclusion is used only where it is lawful, reasonable, proportionate and in the best interests of maintaining safety and education;
- safeguarding, SEND, disability, trauma, equality and welfare factors are considered before any decision is made;
- pupils do not become children missing education or NEET, and that appropriate education and transition planning are secured.

This policy should be read alongside the school Behaviour Policy, Safeguarding and Child Protection Policy, SEND Policy, Attendance Policy, Anti-Bullying Policy, Equality Policy, Complaints Policy, Online Safety Policy and any relevant local authority contract or placement agreement.

2. Legislation and statutory guidance

New Direction School is an independent special school. The statutory suspension and permanent exclusion framework for maintained schools, academies and pupil referral units does not apply directly in full to independent schools. However, New Direction has regard to the DfE guidance on suspension and permanent exclusion as a benchmark for fair, transparent and proportionate practice.

This policy is informed by, and should be applied in accordance with, the following legislation and guidance where relevant:

- The Education Act 1996, including the definition of a school day;
- The Education Act 2002 and the Education and Inspections Act 2006, where relevant to behaviour, discipline and parental responsibility;
- The Education (Independent School Standards) Regulations 2014 and current DfE Independent School Standards guidance;
- DfE guidance: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement, as updated in August 2024;
- Keeping Children Safe in Education 2025;
- Working Together to Safeguard Children 2026;
- The Equality Act 2010, including the public sector equality duty where applicable, the duty not to discriminate and the duty to make reasonable adjustments for disabled pupils;
- The Children and Families Act 2014 and SEND Code of Practice 0 to 25 years;
- The School Attendance (Pupil Registration) (England) Regulations 2024 and current DfE attendance guidance;
- Children Missing Education statutory guidance;
- Alternative provision statutory guidance and any relevant placing local authority arrangements;
- Data protection legislation, including UK GDPR and the Data Protection Act 2018.

3. Principles and thresholds

Suspension or permanent exclusion will only be considered in response to serious or persistent breaches of the school Behaviour Policy, or where allowing the pupil to remain in school would seriously harm the education, safety or welfare of the pupil or others.

A permanent exclusion will be used only as a last resort. Before reaching this point the school will normally consider whether support, reasonable adjustments, restorative work, risk assessment, alternative provision, timetable changes, an emergency annual review or a placement review could reduce risk and support the pupil successfully. In urgent cases involving serious risk, it may be necessary to suspend a pupil immediately while an investigation and safeguarding assessment are completed.

The school is aware that off-rolling is unlawful and unacceptable. No pupil will be removed from the school roll, encouraged to leave, or moved to another arrangement primarily in the interests of the school rather than in the best interests of the pupil. Any movement from the school roll will be lawful, recorded, agreed with the placing local authority where required, and considered in light of the child missing education duties.

4. Definitions

For the purpose of this policy:

- Suspension means a temporary exclusion from school for a fixed period. This replaces the term fixed-term exclusion.
- Permanent exclusion means the pupil is no longer allowed to attend the school unless the decision is overturned through the school's review process.
- School day means any day on which there is a school session. INSET and staff training days do not count as school days.
- Parent means any person with parental responsibility and any person who has care of the child.
- Placing local authority means the local authority that has commissioned or funded the pupil's placement, or the home authority where different.
- Proprietor means Yvonne Evans.
- Head of Education means Luke Collins.

5. Roles and Responsibilities

The Proprietor

- ensures this policy is implemented effectively and reviewed annually;
- monitors the use of suspension, permanent exclusion, placement notice and managed transitions;
- ensures that exclusion practice meets the Independent School Standards, safeguarding duties and equality duties;
- considers representations in cases of permanent exclusion and ensures access to an independent review process where applicable.

The Head of Education

- is responsible for decisions to suspend or permanently exclude a pupil;
- may delegate immediate operational steps to a senior leader in their absence, but remains accountable for the process;
- ensures that all relevant evidence is gathered and considered;

- ensures that safeguarding, SEND, disability, equality and welfare factors are considered before a final decision is made;
- ensures parents/carers, the placing local authority and other relevant professionals are notified as required.

The Designated Safeguarding Lead and Deputy DSLs

- advise whether the behaviour may indicate a safeguarding concern, unmet need, exploitation, abuse, neglect, peer-on-peer abuse, online harm or other welfare issue;
- ensure safeguarding concerns are recorded on CPOMS;
- consider whether referral to children's social care, early help/family help or another agency is required.

The SENCO

- advises on SEND, EHCP provision, reasonable adjustments and whether the pupil's needs are being met;
- supports emergency annual review or placement review arrangements where relevant;
- helps identify additional support that may reduce the risk of further exclusion.

All staff

- apply the Behaviour Policy consistently and record serious incidents on Arbor and/or CPOMS as appropriate;
- provide witness statements or evidence when requested;
- support reintegration and restorative work following a suspension.

6. The decision to suspend or permanently exclude

Only the Head of Education, or a formally delegated senior leader in the Head of Education's absence, may make a decision to suspend or permanently exclude a pupil. Permanent exclusion will be considered only when the evidence indicates that it is necessary and proportionate, and that lesser interventions would not adequately protect the education, safety or welfare of the pupil or others.

Before deciding whether to suspend or permanently exclude a pupil, the decision-maker will, where practicable:

- consider all relevant facts and evidence, including the pupil's account and whether the incident was provoked;
- consider whether the behaviour was linked to SEND, disability, mental health, trauma, safeguarding concerns, bullying, discrimination, care experience or other vulnerability;
- consult the DSL and SENCO where relevant;
- consider reasonable adjustments and additional support;
- consider the pupil's age, understanding and communication needs;
- consider the impact on the pupil and on other pupils and staff;
- record the reasons for the decision clearly.

In exceptional circumstances, a pupil may be suspended immediately where this is necessary for safety while an investigation is completed. The duration of any suspension will be no longer than is necessary and will be kept under review.

7. Safeguarding, SEND and equality considerations

Exclusion must not be used as a response to unmet need. Before a permanent exclusion or placement notice is considered, the school will consider whether the pupil requires additional support or whether an existing plan needs review. This may include a behaviour support plan, risk assessment, pastoral plan, SEND review, emergency annual review, referral to external agencies or consultation with the placing local authority.

The school will pay particular regard to the needs of pupils who:

- have an EHCP or identified SEND;
- are disabled within the meaning of the Equality Act 2010;
- are looked-after or previously looked-after;
- have or have had a social worker;
- are subject to child protection, child in need, family help or early help arrangements;
- may be affected by exploitation, abuse, neglect, domestic abuse, harmful sexual behaviour, peer-on-peer abuse, online harm, bullying, discrimination, trauma or bereavement.

Where a pupil has an EHCP, the school will normally contact the placing local authority and consider whether an emergency annual review is required before a permanent exclusion or placement notice is confirmed, unless immediate action is necessary to protect safety. Where the pupil is looked-after, the school will consult the social worker and Virtual School Head wherever practicable before a permanent exclusion decision is made.

8. Notification and education during a suspension

Parents/carers will be informed of a suspension as soon as reasonably practicable, normally by telephone followed by written notification. The placing local authority and, where different, the home local authority will also be informed where required, including where the suspension is for more than five school days in a term, where a permanent exclusion is being considered, or where there are safeguarding or placement concerns.

The written notification to parents/carers will include:

- the reason for the suspension;
- the start date and length of the suspension;
- the date and arrangements for return to school;
- the arrangements for education during the suspension and how work will be set, supported, returned and reviewed;
- the parents'/carers' responsibilities during the school day;
- the right to make representations and who to contact;
- any reintegration meeting arrangements;
- where relevant, whether permanent exclusion or another placement decision is being considered.

Work will be provided during a suspension. The school will make reasonable efforts to ensure that work is suitable to the pupil's age, ability, aptitude, SEND and access needs. Remote learning may be used where appropriate, but it will not be assumed to be suitable for every pupil and will be reviewed alongside safeguarding, attendance and welfare considerations.

9. Permanent exclusion process and representations

Where permanent exclusion is being considered, the Head of Education will ensure that an investigation report is completed. This report should include incident evidence, the pupil's views where appropriate, staff accounts, behaviour records, safeguarding considerations, SEND/equality considerations, support already provided, reasonable adjustments considered, and the reasons why permanent exclusion may be necessary.

If a permanent exclusion is issued, the school will notify parents/carers and the placing local authority in writing. The letter will include:

- that the exclusion is permanent;
- the reason for the exclusion and the evidence relied upon;
- the date from which the exclusion applies;
- the parents'/carers' right to make representations to the Proprietor;
- the arrangements and deadline for making representations;
- the arrangements for a meeting to consider representations, normally within 15 school days where practicable;
- the right to request an independent review if the Proprietor upholds the decision;
- how SEND, disability and equality matters have been considered;
- information about discrimination claims under the Equality Act 2010 where relevant.

A meeting will be arranged to allow representations from parents/carers, the pupil where appropriate, and the local authority. Minutes will be taken and a record of evidence considered will be kept. The Proprietor will consider the evidence and notify parents/carers and the local authority in writing of the decision and reasons, normally within five school days of the meeting.

10. An independent review

Where a permanent exclusion is upheld by the Proprietor, parents/carers may request that the decision is reviewed by an independent review panel. The request must normally be made within 15 school days of written notice of the Proprietor's decision.

The independent review panel will be arranged by the Proprietor but must be independent of the original decision. The panel will consist of three or five members and will be supported by a clerk or note-taker. Where parents/carers believe SEND is relevant to the exclusion, they may request that SEND expertise is available to the panel.

The panel will consider the evidence and may decide to:

- uphold the Proprietor's decision;
- recommend that the Proprietor reconsiders reinstatement;
- direct the Proprietor to reconsider the decision where the panel considers the decision-making process to be flawed.

The panel's decision may be reached by majority vote. In the event of a tied decision, the chair has the casting vote. The decision and reasons will be confirmed in writing and retained on the pupil's educational record.

Parents/carers may also have the right to bring a claim under the Equality Act 2010 if they believe the exclusion involved unlawful discrimination. Disability discrimination claims are usually made to the First-tier Tribunal (Special Educational Needs and Disability), and other discrimination claims may be made to the County Court. Time limits apply.

11. Placement review, notice and managed transition

New Direction School is committed to maintaining placements wherever this can be done safely and where the placement continues to meet the pupil's needs. In some circumstances the school, parents/carers, pupil and placing local authority may need to review whether the placement remains suitable. This is separate from a disciplinary permanent exclusion unless the reason for ending the placement is disciplinary.

A placement review may be required where:

- the school can no longer meet the pupil's needs despite reasonable adjustments and support;
- the placement is not proving effective and an alternative setting may better meet the pupil's needs;
- risk to the pupil, other pupils or staff cannot be safely managed within the current placement;
- there has been a significant breakdown in partnership arrangements that affects the pupil's education and welfare;
- the placing local authority, parent/carer or school requests an urgent review.

Serving notice on a placement must not be used as a substitute for suspension or permanent exclusion, or to avoid the formal recording and review of disciplinary exclusion. Any notice will be issued only in line with contractual arrangements and following consultation with the placing local authority, unless urgent safeguarding or safety circumstances require immediate action.

Where notice is served, the school will work with the local authority and family to support a planned transition. Education during the notice period will be agreed according to the pupil's needs, risk assessment, access to learning and safeguarding circumstances. Remote education through Google Classroom may form part of this provision where suitable, but it will not be used as a default replacement for suitable education.

The school will not remove a pupil from the admission register until a lawful ground for deletion applies and the required notifications have been completed.

12. School registers and attendance

The school will maintain admission and attendance registers in line with the School Attendance (Pupil Registration) (England) Regulations 2024, current DfE attendance guidance, safeguarding expectations and local authority notification duties.

A pupil's name will only be removed from the admission register where a lawful ground applies. Where a permanent exclusion has been upheld, the pupil will not be removed from roll until the review period has expired without an application for review, the parents/carers have stated in writing that they will not apply for review, or any independent review process has concluded.

Where a pupil is attending approved off-site alternative provision, the school will use the appropriate attendance code and will retain oversight of attendance, safeguarding and progress unless and until the pupil is lawfully removed from roll. Where a pupil is absent due to suspension or permanent exclusion, the appropriate attendance code will be used in Arbor.

The school will notify the relevant local authority when a pupil is added to or removed from the admission register at a non-standard transition point and will take action to reduce the risk of any pupil becoming a child missing education.

13. Returning following a suspension

Following a suspension, a reintegration meeting will normally be held involving the pupil, parents/carers, a member of senior staff and other relevant staff or professionals. The purpose of the meeting is to support the pupil's successful return, rebuild relationships and reduce the risk of further exclusion.

The following measures may be considered when a pupil returns from suspension:

- a restorative conversation or meeting;
- an updated behaviour support plan;
- a risk assessment or safety plan;
- reasonable adjustments or SEND support;
- temporary timetable adjustments;
- additional pastoral, therapeutic or mentoring support;
- a review meeting date;
- clear communication arrangements with parents/carers and the placing local authority.

Reintegration arrangements will be recorded and shared with relevant staff. Any safeguarding concerns will be recorded on CPOMS and any behaviour sanctions or incidents will be recorded on Arbor as appropriate.

14. Recording, monitoring and review

The school will keep clear records of suspensions, permanent exclusions, placement notices, managed transitions, reintegration meetings, representations, review outcomes and education provided during any period away from school.

The Proprietor will monitor the operation of this policy and will review patterns and trends, including:

- number and duration of suspensions;
- permanent exclusions;
- placement notices and managed transitions;
- reasons for exclusion or placement review;
- repeat exclusions;
- pupils with SEND or EHCPs;
- looked-after and previously looked-after pupils;
- pupils with a social worker or safeguarding plan;
- protected characteristics, including disability, race and sex;
- evidence of disproportionality or potential discrimination;
- quality and timeliness of reintegration and support.

This policy will be reviewed annually by the Proprietor and key staff, or sooner if there are changes to legislation, statutory guidance, DfE guidance, local authority contractual arrangements or school practice.