



Wymondley JMI School



Exclusion and Suspension Addendum (HCC)

This document was adopted in September 2026

This addendum to the school's Behaviour Policy is the Hertfordshire County Council guidelines on exclusion from maintained schools, academies and Education Support Centres. This is a supplement to, and should be read in conjunction with, the school's Behaviour Policy.

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Part 1: Introduction

1.1 About this supplement

This good practice guidance does not replace the statutory guidance on exclusions published by the DfE entitled, "*Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement*" – July 2026.

This document offers good practice guidance and summarises some of the key areas in the DfE guidance and includes some Frequently Asked Questions (FAQ) which are not covered by the DfE Guidance.

[School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/school-suspensions-and-permanent-exclusions)

Cross references in this supplement to specific pages or paragraphs in the DfE's statutory guidance are shown in brackets and depicted in emboldened blue text, e.g. a reference to paragraph 1 of the DfE guidance would be shown in this supplement as (**DfE 1**).

Whilst schools, academies and Education Support Centres (ESCs) must comply with the statutory guidance, this good practice guide offers additional support for those involved in the suspension and permanent exclusion process and may be regarded as a guide to good practice. It updates and replaces all previous versions and is not a substitute for the statutory guidance. This good practice guide is not a legal document, and you may wish to take your own independent legal advice.

1.2 Scope and Terminology

Throughout this guidance Hertfordshire County Council will be shown as HCC.

Except where explicitly stated this supplement applies to all maintained schools, academies (including free schools) and all ESCs.

The term "school" is used to describe any setting to which this supplement applies unless otherwise stated.

The term "academy" is used to describe any category of academy, including free schools and Alternative Provision (AP)/ ESCs.

The term "exclusion" is used in this supplement to describe the formal basis by which a pupil is removed from a school site, or is prevented from entering a school site, for a disciplinary reason. It may therefore refer to either a suspension or a permanent exclusion (see below).

The term "suspension" is used to describe the exclusion of a pupil on a temporary basis for a fixed period of time.

The term "lunchtime suspension" is used to describe the exclusion of a pupil during the lunch period only.

The term "permanent exclusion" is used to describe the exclusion of a pupil on a permanent basis.

The term "headteacher" is used to describe the headteacher of a maintained school, the teacher in charge of an ESC and the principal of an academy, unless otherwise stated.

The term "governing board" is used to describe the governing board of a maintained school, the management committee of an ESC and the board of trustees of an academy.

The term "parent" is drawn widely and is used to describe not only a pupil's birth (or biological) parents but also any person or corporate body that has parental responsibility for a child. This includes the Local Authority where there is a care order in respect of the child and any person who has day-to-day care of the child, e.g. a foster carer.

The term "school day" is used to describe any day that a maintained school, academy, or ESC is in session and open to pupils in the relevant year group. For example, where a secondary school is open to pupils in Year 7 on a day that is otherwise not open to pupils in other year groups, the day in question would be a school day for a pupil in Year 7 but not a pupil in any other year group.

The term "academic year" is used to describe the period between the first school day after 31st July and the first school day after the following 31st July.

The term "remote access" refers to a meeting arranged by the governing board that is carried out via electronic means such as a live video link.

1.3 Statutory School Exclusion Team – Duties

The Statutory School Exclusion Team (SSET) performs the following duties and should be contacted for:

- Advice and guidance relating to suspension and permanent exclusion from school.
- Local Authority duties in respect of the administration for exclusions.
- Local Authority representation at governor meetings.
- Local Authority representation at Independent Review Panels (IRP).
- Day 6 provision arrangements for permanently excluded pupils.
- Admissions to schools for in year applicants who meet the Hertfordshire Fair Access Protocol (FAP) Group A.
- Any matters relating to pupil movement (off-site direction and managed move).
- All admissions for young people returning from ESCs/PBSs into mainstream schools; and
- Local SSET Inclusion Panels

The local behaviour services should be contacted for advice, guidance and support for pupil's that are experiencing poor emotional wellbeing and dysregulated behaviour.

1.4 The Local Authority Representative role in the consideration of a suspension or permanent exclusion

The statutory guidance issued by the Department for Education ("DfE") in July 2026 entitled *"Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement: Statutory Guidance for maintained schools, academies, and pupil referral units in England"* ("the DfE guidance") sets out the duty of the governing board to consider and decide on reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher if:

- it is a permanent exclusion.
- it is a suspension which would bring the pupils total number of school days out of school to more than 15 in a term; or

- it would result in the pupil missing a public examination or national curriculum test.

The DfE Exclusions Guidance states ([DfE 123](#)) that, 'Parents may request that the local authority and/or the home local authority attend a meeting of an academy's governing board as an observer. The academy trust is not required to agree to such a request, and any representative from the local authority may only make representations if the governing board gives consent.'

When considering an exclusion (in the case of a maintained school or PRU), the governing board must ensure that a representative of the Local Authority is invited and allowed to make representations or share information. The guidance does not provide that once invited the Local Authority must attend. The Local Authority's role is limited in such circumstances. The Local Authority representative is not involved in the exclusion decision making process, their role being a neutral one. The Local Authority representative may, however, draw the attention of Governors to issues where there is an apparent lack of clarity where more information may be needed or where DfE Guidance does not appear to have been followed or ignored.

To fulfil this role (and where consent is given), in the case of pupils who are permanently excluded and where the Local Authority representative is unable to attend, the Local Authority will provide written questions seeking clarity to be tabled at the relevant governing board meeting. These will be sent to the clerk at least 24 hours in advance of the meeting.

The Local Authority will request that a copy of the minutes of the meeting be provided once agreed by those governors present along with a copy of the decision letter.

The above process will also apply to those pupils permanently excluded from academies unless requested otherwise by the clerk.

The Local Authority will attend all IRP meetings requested by parents in relation to permanent exclusions.

1.5 Details of Local Authority contacts regarding exclusions

All general enquiries to the Local Authority regarding matters relating to school suspension and permanent exclusion should be made to the Statutory School Exclusion Team:

The Statutory School Exclusion Team Advice Line (see Appendix 3)

E-mail: statutoryschoolsexclusionduty@hertfordshire.gov.uk

Telephone: 01992 – 555911

E-mail (outside of term time or the above hours): exclusions@hertfordshire.gov.uk

Further details regarding members of the Statutory School Exclusion Team who serve different areas may be found at

[Exclusions - Hertfordshire Grid for Learning \(thegrid.org.uk\)](http://thegrid.org.uk)

Part 2: Promoting positive behaviour and early intervention.

2.1 Responding to behaviour that challenges

In most cases exclusion, especially permanent exclusion, will be the last resort after a range of measures have been tried to improve a pupil's behaviour, all without lasting success. Schools should put a wide range of strategies in place to address the types of behaviour which may lead to exclusion.

Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any Special Educational Need or Disability (SEND) that a pupil may have. Headteachers should also consider the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs, but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.

Where a pupil is at risk of exclusion and has a social worker the headteacher should inform and consult with the social worker, the Designated Safeguarding Lead (DSL) and the parents (**DfE 76**). Additionally, where a child in care is likely to be subject to an exclusion, the designated teacher should contact and work with the Virtual School as soon as possible and also engage with the pupil's foster carer(s) or pupil's home workers, as appropriate (**DfE 77**).

Schools are expected to protect, champion and safeguard the entitlement of those pupils who are at risk of being out of education. Schools are encouraged to take a therapeutic approach to behaviour management and should ensure that a full range of behaviour support strategies are implemented and given time to take effect for all pupils at risk of permanent exclusion. For those pupils with SEND, schools should consult the Hertfordshire Ordinarily Available Provision Guidance [ordinarily-availableprovision-guidance](#). For further information on the additional support services that can be provided to schools, the local Education Support Centre and other DSPL behaviour services can also be contacted. The Hertfordshire Local

Offer (link below) provides a wealth of information for supporting pupils in school where behaviour and risk of permanent exclusion is a concern:

[The Hertfordshire SEND Local Offer](#)

Schools should also consider putting a Pastoral Support Plan (PSP) or equivalent in place for pupils deemed to be at risk of exclusion. This should specify the range of strategies and support measures to be implemented to address the particular behaviours of concern. Professional advice could be sought as necessary in drawing up the provisions of a PSP and be reviewed on a regular basis.

However, if approaches towards behaviour management have been exhausted then a permanent exclusion may be considered as the last resort. HCC strongly encourages headteachers to consider all available alternatives before deciding on this.

2.2 DfE guidance on behaviour management

The DfE has published a companion piece to the exclusion guidance called "*Behaviour in Schools*", February 2024. This may be found at:

[Behaviour in schools - GOV.UK \(www.gov.uk\)](#)

The DfE advises that exclusion should only be necessary when strategies, practices and interventions set out within the "*Behaviour in Schools*" guidance have not been successful in improving a pupil's behaviour or the use of more significant interventions or sanctions are required.

2.3 Support for schools in behaviour management

The management of pupil behaviour in Hertfordshire schools is supported by a network of Education Support Centres (ESCs) in different areas. These are known as Pupil Referral Units (or PRUs) in other Local Authorities.

Hertfordshire's ESCs provide a range of services including:

- advice and guidance on behaviour management, both generically and in support of individuals
- provision for pupils who have been permanently excluded
- outreach staff who work in schools with pupils exhibiting persistently poor behaviour
- alternative provision for pupils who are finding it difficult to regulate their behaviour in a mainstream school setting; and
- signposting to other specialist agencies, as appropriate.

Schools are expected to contact their local ESC for advice, support and guidance regarding pupil behaviour. The table below gives details of which ESC to contact for support for secondary age pupils in your area:

ESC	Telephone number	Areas covered	
		District	DSPL
North Herts	01462 - 419020	North Herts	1
Stevenage	01438 - 369119	Stevenage	2
The Rivers	01992 - 534841	Broxbourne and East Herts	3 & 4
The Links	01707 - 346170	Welwyn Garden City and Hatfield	5 & 6
The Links	01727 - 836150	St Albans	7
Dacorum	01442 - 247476	Dacorum	8
Chessbrook	01923 - 212025	Watford and Three Rivers	9

Behaviour support for primary age pupils may be accessed by contacting the settings mentioned in the table below:

Provider	Telephone number	Areas covered	
		District	DSPL
North Herts ESC	01462 - 419020	North Herts (except Hitchin)	1 (except Hitchin)
Oughton Primary School	01462 - 450716	Hitchin	1 (Hitchin only)
The Willows at Peartree Spring Primary School	01438 - 233900	Stevenage	2
Little Rivers ESC	01992 - 453950	Broxbourne and East Herts	3 & 4
The Hub at Swallow Dell Primary School	01707 - 339079	Welwyn Garden City and Hatfield	5
The Hive at Summerswood Primary School	020 - 8953 - 3139	Borehamwood	6
Cedars	01727 - 836150	St Albans	7
The Haven	01442 - 247476	Dacorum	8
The Acorn Centre at Warren Dell Primary School	020 8264-0480	Watford and Three Rivers	9

Part 3: The headteacher's power to exclude.

3.1 The parameters of a headteacher's power to use exclusion

A pupil may only be excluded on disciplinary grounds (DfE 1). For example, it would be unlawful to exclude a pupil simply because they have Special Educational Needs (SEN) or a disability that the school feels it is unable to meet, or for a reason such as poor academic attainment. Truancy/ nonattendance is also generally not regarded as a reason for exclusion as it would be perverse to prevent a child from attending school for not attending school. Exclusion would also be an inappropriate and potentially unlawful response to:

- minor breaches of the school's behaviour policy such as failure to complete homework or bringing in dinner money
- pregnancy
- the behaviour of a child's parent, e.g. their failure to attend a reintegration meeting following a suspension.

Only the headteacher of a school can exclude a child (DfE 1). The headteacher may not delegate the power to exclude. However, in a maintained school, the power to exclude may pass to a person designated as an acting headteacher in the headteacher's absence or pending the appointment of a headteacher. This person may or may not be the deputy headteacher but must be someone appointed to the role of acting headteacher. The governing board of a maintained school may wish to consider specifying the role of acting headteacher with the accompanying power to exclude in the job description of the member of staff they wish to designate as such. In an academy, the 'principal' includes 'acting principal' by virtue of regulation 21 of the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

3.2 The duty of care in relation to exclusions

Headteachers must take account of their legal duty of care when sending a pupil home following an exclusion (DfE 3). If a parent does not comply with an exclusion, for example by sending the excluded pupil to school or by refusing to collect the pupil from school, the headteacher must have due regard for the pupil's safety in deciding what action to take. An exclusion should not be enforced if doing so may put the safety of the pupil at risk. If efforts to resolve the issue with the parents are unsuccessful the school should consider whether to contact the Statutory School Exclusion Team for advice. In some circumstances, police or community support officers could become involved.

3.3 Exclusions and the Equality Act 2010

Headteachers must take their obligations under the Equality Act 2010 (“the Act”) into account before taking a decision to exclude a child ([DfE page 5](#)). This includes the duty to make reasonable adjustments to meet the needs of a pupil with characteristics protected by the Act. Schools must ensure that their policies and practices do not discriminate against pupils unfairly by increasing their risk of exclusion, e.g. as a consequence of unconscious bias.

Non-statutory advice from the DfE to help schools understand how the Equality Act affects them and how to fulfil their duties under the Act is available at:

[Equality Act Advice Final.pdf \(publishing.service.gov.uk\)](#)

Further information on a school's obligations under the Act is described in technical guidance published by the Equality and Human Rights Commission available at

[Technical Guidance for Schools in England | Equality and Human Rights Commission \(equalityhumanrights.com\)](#) (Please note that there is currently a consultation running on this, which is due for completion in September 2026)

3.4 **The standard of proof to be applied in matters of school exclusion.**

Headteachers must apply the civil standard of proof, i.e. “on the balance of probabilities”, when establishing the facts in relation to a decision to exclude a child ([DfE 3](#)). This means that a headteacher should accept that something has happened if the evidence available suggests that it is more likely to have happened than not. Headteachers should not apply the criminal standard of proof, sometimes referred to as “beyond reasonable doubt”. Thus, if it is more probable than not that a pupil did what they are alleged to have done, the headteacher may exclude the pupil if this sanction is allowed under the school's behaviour policy. However, HCC's advice is that the more serious the allegation (and thus the possible sanction), the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring that the criminal standard of “beyond reasonable doubt” be applied but it does mean that when investigating more serious allegations, in determining whether it is *distinctly* more likely than not that the pupil has behaved as alleged, headteachers will need to gather and take account of a wider range of evidence. In some cases, this may extend to evidence of the pupil's past behaviour *but only if relevant to the seriousness of the present allegation*. This is of particular significance if a pupil is permanently excluded for a first or “one-off” offence because it naturally follows that the offence must be of a very serious nature to warrant this sanction being applied as a result of a single incident.

3.5 Separation of pupils for safeguarding purposes

In exceptional circumstances, a school may temporarily prohibit a pupil from attending the school premises for safeguarding reasons. This may be necessary, for example, where there is an allegation that one pupil has caused harm to another and the pupils need to be physically separated whilst the matter is investigated. The temporary separation of a pupil for safeguarding purposes does not constitute an exclusion on disciplinary grounds.

Any decisions relating to the separation of pupils for safeguarding reasons must be made on a case-by-case basis. The DSL should take a lead role in the decision-making process, exercising professional judgement and seeking advice and support from relevant agencies, such as Children's Services and the Police, where appropriate (DfE 26-29).

Reintegration after a suspension, off-site direction or separation for safeguarding purposes

Schools should take a planned and supportive approach to helping pupils successfully reintegrate into school following a suspension, cancelled exclusion, period of off-site direction, or separation for safeguarding reasons. A reintegration strategy could be developed to provide the pupil with a positive opportunity to make a fresh start and re-engage with learning.

Schools may wish to consider including the following:

- the impact of the pupil's behaviour on themselves and others
- school's behaviour expectations and values
- developing positive relationships with staff and peers
- rebuilding confidence, resilience and self-esteem
- strengthening their sense of belonging within the school community.

Schools may also access support from their local ESCs and HCC Children Services teams to support further with this process.

Reintegration meetings and planning

As good practice, schools should hold a reintegration meeting before, or as soon as possible following, the pupil's return to school. Wherever possible, schools should invite parents or carers to attend any meetings and contribute to the planning and review process (DfE 31).

The purpose of the meeting is to:

- discuss the support available to the pupil
- agree clear expectations and targets
- identify any barriers to successful reintegration
- confirm roles and responsibilities for supporting the pupil
- reinforce the message that previous behaviour does not determine future success.

Attendance at Reintegration Meetings

A pupil's return to mainstream education should not be delayed if parents or carers are unable or unwilling to attend a reintegration meeting. Schools should make reasonable efforts to engage parents and share reintegration arrangements through alternative means where necessary.

Part-Time Timetables

Part-time timetables should not be used as a method of managing behaviour ([DfE 33](#)). Please refer to HCC's guidance on the use of reduced timetables for pupils of compulsory school age available at:

[Part-time/reduced timetables - Hertfordshire Grid for Learning](#)

HCC recommends any pastoral support programme, or reduced timetable arrangement should:

- have clearly identified objectives
- be regularly reviewed
- be time-limited
- include arrangements for monitoring progress
- specify a planned date for the pupil's return to full-time education.

A successful reintegration package should be tailored to the individual needs of the pupil and should focus on promoting attendance, engagement, achievement and positive wellbeing.

3.6 Frequently asked questions

Q1. Is there a limit on the number of suspensions that a pupil may accumulate?

Yes ([DfE 1](#)). *A pupil may be suspended for one or more fixed periods up to a maximum of 45 days in a single school year. There is no restriction on the number of days of suspension that may be imposed at any given point other than the overall yearly limit. The actual number of days of suspension that might be*

imposed at any single point will be at the headteacher's discretion, tempered by the provisions of the school's behaviour policy.

Q2. Can a pupil's behaviour outside school be considered grounds for an exclusion?

Yes, a pupil's behaviour outside of school can be considered grounds for a suspension or permanent exclusion. Any decision must be made in line with the principles of administrative law. i.e. lawful, fair, reasonable and proportionate.

Q3. Can a suspension be converted into a permanent exclusion?

No (DfE 10). However, whilst a suspension cannot be changed into a permanent exclusion, a suspension may, in exceptional circumstances, be followed by permanent exclusion as a separate exclusion event, e.g. where further evidence has come to light which, had it been known at the outset, might have led to a permanent exclusion in the first place.

Q4. Can an exclusion be cancelled?

Yes, but only where the exclusion in question has not been reviewed by the governing board. A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been by the time cancellation would take effect. (DfE 13-14).

Q5. In what circumstances may a pupil be removed from the school site or prevented from attending school on disciplinary grounds without following the formal exclusion process?

None (DfE 18-23). Any exclusion of a pupil must be carried out formally and in accordance with the School Discipline (Pupil Exclusions and Reviews England) Regulations 2012 and with regard to the DfE's statutory guidance on exclusions. Informal or unofficial exclusions, e.g. sending a pupil home to 'cool off' that do not follow the formal school exclusion process are unlawful regardless of whether it occurs with the agreement of parents.

Q6. What is 'off-rolling'?

Off-rolling is the practice whereby a pupil is removed from a school's roll in unlawful circumstances (DfE 21-23). Examples of off-rolling include, but not limited to:

- exercising undue influence over a parent to remove their child from the school under threat of permanent exclusion or threat not to cancel a*

- permanent exclusion in favour of an alternative •*
- encouraging them to choose Elective Home Education*
- influencing them to find a place at another school.*

Q7. Can a part-time timetable be put in place as a way of avoiding the need to exclude a pupil?

No (DfE 33). A part-time timetable should not be used:

- as a direct alternative to exclusion or*
- to manage a pupil's behaviour*

A part-time timetable should only be used for the shortest time necessary.

Further information is given in both the exclusion guidance (DfE 33) and the attendance guidance as to how part-time timetables should operate where they are put in place and schools are also referred to HCC's guidance on the use of reduced timetables for pupils of compulsory school age available at

[Part-time/reduced timetables - Hertfordshire Grid for Learning](#)

Q8. Can a pupil be prevented from returning to school after a suspension if the child's parent(s) are unable to attend a reintegration meeting?

No (DfE 31). This would in effect be punishing the pupil for the behaviour of the parent, which is not a valid reason for suspension. HCC recommends that schools consider writing to parents with a record of the discussion that took place at a reintegration meeting expressing the necessary level of concern if the parent(s) failed to attend.

Q9. What happens if parents do not comply with an exclusion, e.g. if they refuse to pick their child up from school or bring and leave the child at the school even though they may have been excluded?

Headteachers must put the safety and welfare of the pupil at the centre of their response to a situation such as this and discharge their duty of care. Beyond this headteachers should in the first instance seek to work cooperatively with parents to encourage them to comply with their responsibility to ensure that their child is not present in a public place at any time during school hours. Any parent who fails to do so without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted (DfE 86).

Q10. Can a pupil be permanently excluded for a single serious incident?

Yes, if this is indicated in the behaviour policy of the school. Schools may wish to consider giving examples that indicate the severity of an offence that might in of themselves lead to a permanent exclusion, emphasising that the list is illustrative, not exhaustive. These examples could include:

- *serious actual or threatened violence towards another pupil or member of staff*
- *sexual abuse or assault*
- *carrying an offensive weapon • supplying an illegal drug.*

Part 4: Factors to consider before making a decision to exclude

4.1 Measures to prevent the need for exclusion

HCC encourages schools to regard exclusion as a last resort and only after a diverse range of support strategies have been deployed to manage inappropriate behaviour without lasting success.

When headteachers are considering either off-site direction or a managed move, the pupil must be supported to share their view and must be kept informed of how that view has been considered. The *Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (July 2026)* statutory guidance explicitly requires that a pupil's views are also sought before decisions about off-site direction or managed moves (see [DfE 35-37](#)).

A table is given in Appendix 1 that headteachers may use to assist them in deciding whether it is necessary to exclude a pupil.

4.2 Off-site direction

An off-site direction is where the school requires a pupil to attend another education setting **temporarily** to improve behaviour. The governing board is responsible for arranging off-site direction under the law (see [DfE 39-57](#)).

Before considering an off-site direction, the headteacher (or designated senior leader) must be satisfied that all appropriate interventions, strategies, and support

options have been explored, implemented, reviewed and had the opportunity to be effective.

The headteacher is responsible for identifying and negotiating a placement with a receiving school. Schools may wish to consider the following:

- The receiving school's admissions criteria, particularly where the school may not align with the family's religious beliefs.
- The distance between the pupil's home and the receiving school. Transport assistance will be considered on a case-by-case basis.
- The pupil's special educational needs and disabilities (SEND), health needs, and any reasonable adjustments required to ensure their needs can be met, including the requirements of any EHCP.
- Any additional vulnerabilities, including involvement with Children's Services, social care, or other safeguarding considerations.

Once a potential placement has been identified, the sending and receiving schools should meet to:

- Share all relevant information, including the pupil's strengths, academic progress, attendance, behaviour history, strategies already implemented, risk assessments, and SEND information.
- Identify the support arrangements required before the placement can begin and agree a proposed start date.
- Develop a transition plan.
- Agree expectations regarding uniform and PE kit requirements and identify any support needed to ensure these can be provided.

Hold an off-site direction planning meeting

The headteacher should arrange a meeting involving the parents/carers, the pupil, representatives from the receiving school, and where relevant, the LA, social worker or Virtual School representative.

This meeting should provide an open, supportive, and non-judgemental opportunity to discuss the proposed placement and should aim to:

- Explain the reasons for the off-site direction.
- Confirm the start date, planned duration, end date, and review schedule.
- Highlight the pupil's strengths and positive attributes.
- Identify any additional support or reasonable adjustments needed to support a successful transition.
- Discuss and address any concerns raised by the pupil, parents/carers, receiving school, or Local Authority representatives.

- Ensure key information is shared with the receiving school in advance, including current support plans, behaviour plans, pastoral support plans (PSPs), individual support plans (ISPs), and details of external agency involvement.

Transition and integration plans should be tailored to the individual pupil's needs while maintaining a consistent approach across Hertfordshire schools wherever possible.

Set clear expectations

Schools should clearly communicate expectations and responsibilities to both the pupil and their parents/carers during off-site direction meetings. These expectations should be documented within the pupil's transition or support plan.

Plan for reintegration

At the end of the agreed off-site direction period, the expectation is that the pupil will return to their home school unless a managed move has been agreed.

Schools should work with parents/carers, the pupil, relevant professionals and key school staff to develop a reintegration plan. This plan should focus on identifying barriers to success, building on progress made during the placement, and reducing the likelihood of future suspension.

Share successful practice

Any interventions, reasonable adjustments, strategies, or approaches that have proved successful during the off-site direction should be shared between schools to ensure effective support continues when the pupil returns to their home school.

Consider a managed move where appropriate

If, at the end of the off-site direction period, the parents and receiving school agree that a managed move would be in the pupil's best interests, this should be discussed and agreed at the final review meeting. Where appropriate, for example when the child has an EHC Plan, the Local Authority should also be involved ([DfE 58-68](#)).

Funding arrangements for off-site directions

It is for schools to decide and agree as part of any off-site direction how the pupil may be financially supported during their stay at the alternative school. It would seem sensible therefore, that schools agree a payment representative of the pupil's pupil led funding for the period of the stay.

Any financial arrangements are at the discretion of the two educational provisions responsible for the pupil's education. Please note that the LA is not responsible for arranging the transfer of such funds.

4.3 **APEX direction to an Education Support Centre (ESC)**

If a pupil has reached the point of permanent exclusion, schools must follow the statutory guidance *for Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement* (July 2026).

Where a decision has been reached by the headteacher to permanently exclude (PEX) and formal notice has been given to a parent/carer, but has yet to be considered by governors, headteachers may sometimes consider an alternative action, especially where further information has come to light. For these instances, a headteacher can cancel the decision to permanently exclude and instead consider an off-site direction to their local ESC.

To avoid any delay in accessing an APEX direction to the ESC for pupils, who under normal circumstances would be permanently excluded, headteachers should contact SSET at statutoryschoolsexclusion@hertfordshire.gov.uk immediately and begin discussions in partnership with the ESC to organise a swift move.

For Children Looked After and those with an EHCP, The Virtual School and/or EHCCo should be contacted and decisions to change placements must be made in collaboration with services and the family.

Under this model, where agreed in advance by SSET and where there is a commissioned place available to accommodate the APEX direction, the pupil will be placed onto the subsidiary roll of the ESC (dual registered) whilst remaining on the main home roll of the original school. The parent and pupil must understand, that although the main school retains responsibility for the pupil, they will no longer be educated on the school site for the duration of the direction placement. The ESC will deliver a full-time alternative provision on their subsidiary roll for the agreed amount of time of the off-site direction.

The maximum length for an APEX direction to the ESC is two terms unless the APEX direction occurs in a pupil's final year of primary or secondary compulsory education. For year 6 pupils permanently excluded in the final term of year 6 and year 11s permanently excluded at any point, the parent and pupil must understand that the placement will be for the remainder of their year 6 or year 11 education.

The headteacher is advised to have always fully considered and discussed the potential permanent exclusion and alternative options with the SSET

prior to any decision to permanently exclude. If the decision remains to permanently exclude, the headteacher must first issue a permanent exclusion letter to the

parent/s of the pupil and complete the X1 notification and SSET inclusion information form (IIF).

The headteacher will need to arrange a meeting with the parents, ESC and SSET Officer to discuss the permanent exclusion and possible alternative of an APEX direction. The meeting is an opportunity to share essential information and concerns in an open and non-judgmental way and discuss the move as a positive process. The meeting will aim to:

- Agree and explain the rationale and reasons for the APEX direction, the strategies already put in place and the pupil's response.
- Identify the length/period of the direction (maximum of two terms), start date, planned end date, and dates of planned review meetings.
- Explore whether any other strategies could be tried.
- Discuss the pupil's strengths.
- Discuss any areas where they may require additional support or reasonable adjustments to ensure a smooth and supported transition.
- Discuss any concerns the parent/carer, pupil or LA representative may have and how to mitigate these concerns.
- The home school may be required to sign a contract with ESC confirming the above, the terms of the placement and confirming the dates for review and expected return.
- Reinforce that although the pupil remains on the roll of the school, they will receive their education through the ESC for the duration of the direction and should not return to the home school during this period.
- Identify, that after successful engagement and progress at the ESC, the pupil may follow a number of different routes in continuing their education, either by returning to the home school, accessing alternative provision, or a managed move to remain at and be placed on the home roll of the ESC.
- Explore key areas of concern, active/current support services and previous/current school plans (PSP, behaviour plans, ISP etc.) to be shared with the ESC prior to the APEX direction meeting and any new integration plan.

It is important that negotiations are finalised by all parties before the sixth day of the exclusion, including a start date agreed by all parties. If not, alternative education must be arranged for the pupil from the sixth day of exclusion. Once agreed and the pupil is on the subsidiary roll of the ESC, the headteacher must formally cancel the permanent exclusion in writing to the parent.

The home school should organise regular reviews of the pupil's progress, at least one review each half term (6/7 weeks).

If, at the end of the APEX direction, with the consent of the parent/carer, the home school can agree a number of routes for the pupil:

- o full reinstatement back to attending the home school with a clear reintegration plan identifying access to a suitable full-time education
- o an alternative provision arrangement. There is separate DfE guidance in this regard [Arranging Alternative Provision - guide for LAs and schools](#)
- o Managed move onto the roll of an ESC (assuming there is an LA commissioned placement available, and all parties agree).

Please note that not all alternative providers can register pupils. It is for the school to register the pupil on their register and to commission alternative provision. The school retains its obligations with regards to safeguarding.

A template direction letter can also be found on the Hertfordshire Grid for Learning.

The above process does not remove a parent's right to make an in-year admission application to a school during this time.

4.4 Managed moves

A managed move is a voluntary and permanent transfer from one mainstream school to another. It should only be used where all parties agree that the move is in the pupil's best interests and where it forms part of a planned intervention designed to improve educational outcomes.

Managed moves must not be used as:

- Trial admissions.
- Informal exclusion arrangements.
- A means of avoiding statutory exclusion processes.
- A mechanism to pressure parents into removing their child from school.

Parents must be able to consider any proposal freely and without undue influence. Schools must not encourage parents to electively home educate their child in order to avoid exclusion or a managed move.

If a temporary move needs to occur to improve a pupil's behaviour, then offsite direction should occur ([DfE 39-54](#)).

Where a pupil has an EHCP, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a managed move, it should contact the authority prior to the managed move. If the local authority, both

schools and parents agree that there should be a managed move, the local authority will need to follow the statutory procedures for amending a plan.

The original school and the new school should ensure that the managed move has been preceded by all relevant information sharing between the original school, the new school and local authority as appropriate, including:

- data on prior and current attainment
- academic potential
- a current risk assessment
- advice on effective ongoing risk management and/or other pupil support strategies
- effective reintegration strategy • pupil support plan and reviews.

It is also important for the new school to ensure that the pupil is provided with an effective integration strategy. This can include a phased integration but cannot be for a trial period and the pupil must be moved onto the new school roll from the start of the placement and remove from the old school roll (pupils cannot be on the roll of two schools). Headteachers are reminded that a managed move is a behavioural strategy to help prevent suspension and PEX. It should have been considered as a strategy where pupils are at risk of PEX and not at the point of exclusion. A decision to manage move should precede a PEX decision. PEX is a last resort when all other interventions have not worked.

Relationship with the Fair Access Protocol

Managed moves are separate from the Fair Access Protocol (FAP).

Only pupils who meet the categories specified within the School Admissions Code can be placed through FAP arrangements. All other admissions must comply with the school's published admission arrangements and the statutory School Admissions Code.

Parents retain the right at all times to submit an in-year admission application to another school, regardless of any off-site direction or managed move discussions.

Funding agreements for managed moves

It is for schools to decide and agree as part of any direction how the pupil will may be financially supported during their stay at the alternative school.

It would seem sensible therefore that schools agree a payment, representative of the pupil's pupil led funding for the period of the stay.

Any financial arrangements, including transport for an off-site direction are at the discretion of the two educational provisions responsible for the pupil's education.

Please note that the LA is not responsible for arranging the transfer of such funds.

4.5 Pupils at high risk of exclusion

Whilst Governing Boards should be challenging and evaluating their school data ([DfE 127-128](#)), HCC advises that headteachers interrogate their exclusion data and work with local partners to identify which groups may be at particular risk of exclusion within their local context. They should consider what extra support might be needed to identify and address the needs of pupils from these groups to reduce their risk of exclusion.

HCC anticipates and expects that schools will engage proactively with parents and relevant professionals to find alternatives to exclusion of pupils from these groups.

As well as having disproportionately high rates of exclusion, there are certain groups of pupils with additional needs that are particularly vulnerable to the impact of exclusion, including pupils with EHCP, looked after pupils and young carers. As with all circumstances of permanent exclusion, the permanent exclusion of all pupils should be a last resort.

Where a school considers that a pupil with an EHCP is at risk of exclusion the headteacher should immediately contact the SEND Team. The school should request an early review of the plan to determine if the pupil's special educational needs are being met and if appropriate what additional support or alternative placement may be required.

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.

Where previously looked-after children face the risk of being suspended or permanently excluded, the school should engage with the child's parents and the school's DT. The school may also seek the advice of the VSH on strategies to support the pupil.

Where a pupil has a social worker, including if they have a Child in Need Plan or a Child Protection Plan and as soon as the original school is contemplating a managed move and prior to it, the social worker should be notified as well as the DSL and (unless this would lead to safeguarding risks) the pupil's parents. For looked-after children, the relevant authority's VSH should also be notified of the proposed managed move.

If agreed by all relevant parties that a managed move is in the best interests of the pupil, then the original and the new school should ensure any PEP is appropriately reviewed and amended to take account of the managed move and the relevant statutory duties on the new school and the local authority will apply.

4.6 Frequently asked questions

Q11. At what stage would it be appropriate to explore the possibility of a managed move with the family of a pupil who is at risk of permanent exclusion?

A managed move is more effective as a thoroughly planned strategy, not as a last-minute intervention at (or beyond) the point of permanent exclusion.

Moreover, managed moves are more likely to be a success for all concerned if the emphasis is on the "managed", not just simply the "move". Thus, exploring the possibility of a managed move where there is no imminent risk of permanent exclusion allows time for issues to be explored, approaches made and supports to be put in place to facilitate the transfer. Headteachers should consider the use of a managed move as a preventative measure to permanent exclusion.

Q12. Should a pupil who has been in the care of the Local Authority but is no longer a looked after pupil be given the same level of consideration as a pupil who is currently looked after when it comes to matters of school exclusion?

Yes. No distinction is drawn between pupils who are currently in care and those who were previously in care as both groups are particularly vulnerable to the impacts of exclusion (DfE 75 -81).

Q13. What happens if a trial managed move or off-site direction was arranged prior to the 26th July 2026?

*Academy trusts should review any off-site direction or relevant placements that were in place before **26 July 2026** and continue beyond that date to ensure compliance with the new statutory requirements and must provide written notice of the requirement as soon as practicable on or after 26 July 2026, and no fewer than six days before the first review meeting.*

*Schools should ensure that the first review meeting for any continuing offsite direction placement is held as soon as reasonably practicable after **1 August***

2026, regardless of whether a review meeting has occurred within the previous ten weeks.

Following the initial review, subsequent review meetings should be scheduled at intervals considered appropriate to the individual pupil's needs and circumstances.

As good practice, academy trusts should provide all relevant parties with sufficient notice of review meetings to enable meaningful participation.

Schools should retain clear records of notifications, invitations, attendance, and outcomes to demonstrate compliance with statutory requirements and support effective decision-making regarding the pupil's ongoing placement. (DfE 55-57).

Part 5: The headteacher's duty to inform parties about an exclusion.

5.1 The duty to inform parents about an exclusion

Whenever a headteacher suspends or permanently excludes a pupil they must, without delay, notify the parents of the period of the suspension or permanent exclusion and the reasons for it (DfE 82).

HCC has produced template letters that may be used at all points along the exclusion process including the notification of exclusions. HCC recommends that schools use these templates as they include all the items which are specified in the DfE exclusion guidance (DfE 83-87). These letters are available on the Hertfordshire Grid for Learning via the following link:

[Exclusions - Hertfordshire Grid for Learning \(thegrid.org.uk\)](https://thegrid.org.uk)

5.2 Informing social workers and Virtual School Heads about an exclusion

Whenever a headteacher suspends or permanently excludes a pupil they must, without delay, after their decision, also notify the social worker if the pupil has one and the Virtual School Head (VSH) if the pupil is in care (DfE 96-99).

5.3 Informing the governing board about an exclusion

The headteacher must, without delay, notify the governing board of:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil)
- any suspension which would result in the pupil being suspended for a total of more than five days in a term
- any suspension which would result in the pupil missing a public examination or national curriculum test. (DfE 100).

The LA recommend that the headteacher notify the governing board once a term of any other exclusions that have not already been notified (DfE 127-130).

5.4 Informing the Local Authority about an exclusion

The Local Authority must be informed without delay of any school exclusions (DfE 102). For a looked-after pupil, the LA that maintains the pupil should also be informed, if this is not Hertfordshire.

For a permanent exclusion, if the pupil lives outside the Local Authority area in which the school is located, the headteacher **must also** notify the pupil's 'home' Authority (DfE 103-104).

Most of the School Information Management Systems notify HCC of suspensions directly. Schools who have not signed up to ensuring suspensions directly to HCC should continue to notify HCC of their suspensions by returning a completed 'X1 - suspension notification form' available at [Exclusions - Hertfordshire Grid for Learning \(thegrid.org.uk\)](https://thegrid.org.uk).

Once completed, schools should email the information to the Statutory School Exclusion Team at exclusions@hertfordshire.gov.uk.

Permanent exclusions should be notified to the Local Authority in the first instance by the school contacting their area Statutory School Exclusion Officer or by contacting the Statutory School Exclusion Advice line on 01992 555911 or by email Statutoryschoolsexclusionduty@hertfordshire.gov.uk.

Once a headteacher has made a decision to permanently exclude, schools should complete the X1 Web Form (link below):

<https://surveys.hertfordshire.gov.uk/s/ZWFJ88/>

Schools should also email a copy of the letter of permanent exclusion sent to parent to: exclusions@hertfordshire.gov.uk.

For any pupil who may be suspended for 5 days or more, schools should ensure that the suspensions are also notified to their area SSET officer (contact details can be found on the Hertfordshire Grid for Learning).

5.5 Frequently asked questions

Q14. Should parents be contacted by telephone about an exclusion in the first instance?

Yes, this is good practice and should be done without delay. This allows parents to ask any initial questions or raise concerns (DfE 82).

Q15. Can the notification of an exclusion be sent to parents electronically?

Written notification of the information that must be supplied in a letter sent to parents notifying them of an exclusion can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address (DfE 83). Where such a letter is posted, it should be sent by first class mail, without delay. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way (DfE 84).

Q16. Where a governing board should be notified of an exclusion, should all of the governors on the board be notified individually?

If the Chair of the governing board has been informed, the board as a whole is deemed to have been notified.

Part 6: The governing board's duty to arrange education for excluded pupils

6.1 The education of pupils from the sixth day of an exclusion

Governing boards and local authorities play an important role in ensuring that children who have been excluded from school receive a suitable education that facilitates their successful reintegration into education or meets their longterm needs.

For suspensions of five days or fewer, and for the first five school days following a permanent exclusion (in either case counting the first day that the pupil is excluded as day one) headteachers should ensure that work is provided for the excluded pupil to complete at home which is appropriate to the pupil's age, aptitude and ability and which meets any special educational needs that have been identified for the pupil, e.g. as part of an EHC Plan. Arrangements should also be made for this work to be marked. Online pathways such as Google Classroom ([Classes \(google.com\)](https://classes.google.com)) or Oak Academy ([Oak National Academy \(thenational.academy\)](https://oaknationalacademy.com)) can be used but schools should ensure that the work set is accessible and achievable by the pupil outside school.

For suspensions of more than five school days, the governing board must arrange suitable full-time education for any pupil of compulsory school age. It must begin no later than the sixth school day of the suspension (with the exception of Year 11 pupils who have no more public examinations to take). Where a pupil received consecutive suspensions, these are regarded as a cumulative period for the purposes of this duty. This means that if a child has more than five consecutive days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is because of one decision to suspend the pupil for the full period or multiple decisions to suspend the pupil for several periods in a row ([DfE 108](#)). Two successive suspensions must be separated by at least one session where the pupil is registered as being present at school for these suspensions not to be considered as consecutive (i.e. not in a row).

For permanent exclusions, the Local Authority where the pupil resides has the responsibility of arranging suitable full-time education for the pupil to begin from the sixth school day after the permanent exclusion took place, counting the first day of the exclusion as day one ([DfE 109](#)). It is therefore essential that schools notify any permanent exclusion as soon as possible so that appropriate arrangements may be made to facilitate the excluded pupil's ongoing education.

ESCs are the LA's commissioned providers of 6-day education for permanently excluded pupils. SSET will notify the relevant area ESC of the requirement for a commissioned place for the PEXd pupil. The pupil should remain a pupil at the ESC until the conclusion of the PEX process and/or a new school placement is found. Similarly for primary aged pupils, where there is a commissioned base provider for 6-day education for PEX pupils, the expectation is that the pupil will remain a pupil at the base until the conclusion of the PEX process and/or a new school placement is found. In all cases the SSET will work with ESC/base and parents to ensure that pupils are placed in line with the Hertfordshire Fair Access Protocol.

For year 6 pupils permanently excluded in the final term of year 6 and year 11s permanently excluded at any point, the parent and pupil must understand that the ESC/base placement will be for the remainder of their year 6 or year 11 education.

For those pupils in their final year of compulsory education where the pupil has no further examination to sit, 6-day provision does not need to be arranged.

In the case of a looked-after pupil, or pupil with a social worker, the school should liaise with the Local Authority to arrange alternative provision from the first day following a suspension or permanent exclusion ([DfE 113](#)).

Part 7: The governing board's duty to consider an exclusion

7.1 The responsibilities of the governing board in relation to exclusions

Governing boards have a key responsibility in considering whether excluded pupils should be reinstated. They also have a duty to challenge and evaluate what their school's data is telling them about exclusions from the school and pupil movement more generally ([DfE 127-130](#)).

7.2 Reviewing decisions to exclude and considering reinstatement

Parents have the right to make representations to the governing board about the exclusion of their child. If they do so, the governing board has a duty to consider these representations. However, the requirements on a governing board to do so depend on a number of factors. These are illustrated in the diagram on page 43 of the DfE guidance.

Where a governing board is legally required to meet to consider the reinstatement of an excluded pupil they should:

- not discuss the exclusion with any party outside the meeting
- ask for written evidence in advance of the meeting including witness statements and other relevant information held by the school such as those relating to a pupil's SEN and the pupil's school record. Schools usually supply this information in the form of an exclusion report which should, where possible, be circulated along with a list of those who will be present, to all parties at least five school days in advance of the meeting. Guidance for headteachers as to what to include in such a report is given in Appendix 2 of this document
- allow parents to be accompanied by a friend(s) or representative(s) (where a pupil under 18 is to be invited as a witness, the governing board should first seek parental consent).
- invite the pupil's social worker if they have one and, if the pupil is in care, the VSH to attend
- comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example, where a parent or a pupil has a disability with mobility or communication that has an impact on their ability to attend the meeting or to make representations)
- identify the steps they will take to enable and encourage the excluded pupil to attend and participate in the meeting, (e.g. by providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding; or how the excluded pupil can feed their views by other means if attending the meeting is not possible ([DfE 131](#)).

Where a governing board meets to consider the reinstatement of an excluded pupil this function is delegated to a subcommittee called the Governors' Discipline Committee (GDC).

Governors reviewing a headteacher's decision to exclude a pupil should be demonstrably impartial. This means that each panel member should not have had any prior involvement in the case e.g. by being party to the original decision, or know the excluded pupil or their family, or have a vested interest in the outcome.

HCC strongly recommends that any governor sitting on a GDC panel should have received adequate training to carry out their duty within the last two years ([DfE 107](#)). Given the need to also ensure that every governor is impartial as described above, governing boards are recommended to ensure that they get as many of

their governors trained in exclusions as they can so they then have the widest pool of people to draw upon to form a panel should the need arise.

7.3 Exclusion hearings

The following parties must attend a GDC hearing:

- the governors on the panel. There should be at least three (and up to five) governors on the panel. HCC recommends that where there are more than three panellists it is helpful to have an odd number of governors as a majority decision may then be reached without the need to resort to a Chair's casting vote.
- A clerk - HCC recommends that governing boards secure the services of a clerk who fully understands and has experience of the exclusion process so that they may offer support and guidance as necessary. HCC would further recommend that the clerk is not the headteachers PA, unless they have no prior knowledge of the exclusion (s).
- The headteacher, to explain why the decision to exclude has been taken.

The following parties may attend a GDC hearing:

- the parents and the excluded pupil, if the parents wish that the pupil attends. If the excluded pupil is over 18 years of age, they may represent themselves and do not have to be represented by their parents
- representatives and supporters. Both the parents and the headteacher may bring a supporter(s) or representative(s). It is at the panel's discretion as to whether either party may bring additional supporters or representatives
- the excluded pupil's social worker if they have one and the VSH in the case of a pupil in care
- the LA who will maintain a position of neutrality and will not be perceived to influence any particular meeting outcome.

HCC recommends that governing boards adopt the order of proceedings outlined below:

- Introductions. The Chair welcomes everyone and introduces the parties to each other.
- The headteacher gives their report.
- The governors may then ask the headteacher questions about their case.
- The parents may ask the headteacher questions as well.

- Local Authority's representations.
- The parent(s) may make their representations. If the excluded pupil is over 18 years of age, they may represent themselves.
- The governors may ask the parent(s) questions. If the excluded pupil is present, HCC recommends that any questions go to the parents or the parent's representatives. However, if age appropriate/sufficiently mature, the child/young person may be asked by the GDC to give their views.
- The headteacher may ask the parent(s) questions (or the excluded pupil if over 18 years of age).

Representations may be taken from the social worker and/or VSH, if present.

- Headteacher sums up.
- Parents(s) sum up.

7.4 Requests that a GDC hearing is held by remote access

The arrangements for GDC hearings to be held by remote access are described in Part 11 and Annex A of the DfE's statutory guidance on exclusions ([DfE 261-268](#)).

As good practice, schools, governing boards and arranging authorities should seek to facilitate parental participation in review meetings wherever possible, including through the use of remote access where appropriate.

Where a parent requests to attend a meeting remotely, the governing board or arranging authority should consider the request carefully and take account of any safeguarding, confidentiality or procedural fairness considerations. If a risk assessment identifies safeguarding concerns that may prevent participants from engaging safely, effectively, fairly or transparently in a remote meeting, the governing board or arranging authority may determine that the meeting should not be held remotely. Any such decision should be reasonable, proportionate and based on the specific circumstances of the case.

In reaching a decision, schools should consider whether all participants would be able to:

- participate fully and effectively in the meeting
- hear and be heard throughout the proceedings
- see and be seen where video conferencing is being used
- contribute to discussions in a manner that supports a fair and transparent process.

Social workers and VSHs should be permitted to attend meetings remotely, regardless of whether the meeting itself is being held in person or through remote access, provided that the governing board is satisfied that their participation through remote access does not compromise the fairness, transparency or integrity of the meeting.

Schools should make appropriate arrangements in advance of the meeting to support effective participation and ensure that all attendees can contribute meaningfully to the decision-making process ([DfE 265-266](#)).

Where a hearing is held by remote access the governing board must comply with relevant equalities legislation, e.g. by making any reasonable adjustments as may be required to allow those involved to fully participate in the proceedings ([DfE 267](#)). The governing board:

- should provide clear instructions about how to join the meeting virtually and distribute the joining instructions in a timely manner ahead of the meeting
- indicate a named person who any participant should contact if they have any questions before the meeting takes place
- consider holding a 'test meeting' with any participant to check the available technology is suitable, and that all participants understand how to access the meeting
- ensure that the chair of governors is prepared to explain the agenda at the start and provide clear guidance on how the meeting will be run, for example how participants should indicate they wish to speak, how any 'chat' functions should be used, whether there will be any breaks in proceedings and how parents and excluded pupils can access advocacy services during the meeting. It would be appropriate for the clerk to indicate how these matters were addressed in the minutes of the hearing.

The use of remote access does not alter the legal and procedural requirements incumbent upon the governing board as laid out in the DfE's statutory guidance on exclusions.

7.5 Considering the evidence and reaching a decision

When establishing the facts in relation to an exclusion the governing board must apply the civil standard of proof, i.e. 'the balance on probabilities' (is it more likely than not that the excluded pupil has done what they are alleged to have done) rather than the criminal standard of 'beyond reasonable doubt' ([DfE 136](#)).

In light of its consideration, the governing board may either:

- decline to reinstate the pupil or
- direct the pupil's reinstatement, either immediately or by a particular date ([DfE 137](#)).

If the governing board decides against the reinstatement of a pupil who has been permanently excluded the parent(s) (or the excluded pupil if over 18 years of age) can request that the governors' decision is reviewed by an Independent Review Panel (IRP) ([DfE 139](#)). Details of the IRP process fall outside the scope of this supplement but may be found in the DfE's statutory guidance ([DfE 169-177](#)).

In reaching a decision as to whether a pupils should be reinstated or not, the governing board:

- must consider both the interests and circumstances of the excluded pupil and that of other pupils, staff and the school community ([DfE 133](#))
- should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair ([DfE 143](#)). This should include the welfare and safety of the pupil and any peers.

7.6 The governing board's duty to notify its decision

As good practice, governing boards should ensure that all relevant parties are informed promptly of any decision relating to the reinstatement of a pupil following a suspension or permanent exclusion where they are legally required to consider reinstatement.

Without delay following the meeting, the governing board should provide written notification of its decision and the reasons for that decision to:

- the parent or carer, or the pupil if they are aged 18 or over
- the headteacher
- the local authority, where appropriate
- the pupil's social worker, where one has been appointed
- the Virtual School Head (VSH), where applicable.

Where a pupil resides in a different local authority area from that in which the school is located, the governing board should also notify the pupil's home local authority of the decision and the reasons for it.

The notification should be clear, timely and accessible, enabling all parties to understand the outcome of the review and any next steps required to support the

pupil's education, welfare and reintegration. Schools should retain a record of all notifications issued as part of the decision-making process.

Details of what must be included in the governing board's letter are given in the DfE's statutory guidance ([DfE 151-155](#)).

7.7 Frequently asked questions

Q17. What happens if the statutory time scale for a GDC hearing cannot be adhered to?

HCC recommends that proceedings are at least instigated within the statutory time scale even if they have to be adjourned to a later date and that appropriate records are made of the process that was followed. Parents should always be notified of any delay and provided with reasons for the adjourned date, seeking their agreement wherever possible.

Q18. What happens if the governors can meet within the deadline, but the parents say they cannot attend and want the hearing held at a later date?

There is no 'right' answer to this, but it is an example of a situation where one has to choose between the lesser of the two evils. In this instance it would be easier to defend a decision to allow the parents to make representations than to adhere strictly to the deadline, especially in light of the fact that the governors' decision would not be considered invalid merely because it had been taken out of time, as stated above. Again, HCC recommends that proceedings are at least instigated within the statutory time scale even if they have to be adjourned to a later date and that appropriate records are made of the process that was followed.

Q19. What happens if the parents want to bring a legal representative with them?

They may do so if they wish, but this should be notified beforehand. This will give the headteacher an opportunity to decide if they wish to be legally represented as well. In the unlikely event that the parents turn up with a legal representative who had not been expected the panel may choose to offer the headteacher an adjournment to a later date if they wish to secure legal representation for themselves.

Q20. Can the governors on the panel meet up before the hearing with the clerk to discuss the case?

Yes. HCC considers this to be consistent with good practice. It allows the governor on the panel to decide who is going to ask which questions. It allows the clerk an opportunity to answer any questions about the procedure to be followed. The Clerk has no influence over the panel other than offering legal and procedural advice.

Q21. How does the hearing get started?

HCC recommends that the governors meet with the clerk in the room where the hearing is to take place before the hearing is due to begin. No other single party should be with them. At the appointed time the clerk fetches the other parties and escorts them into the hearing room at the same time. After the hearing the clerk should escort all parties other than the governors out of the room at the same time. It is important that the clerk does not allow any one party to have access to the decision makers (the governors) when the other parties are not present. The same protocol should be observed for adjournments during a hearing.

Q22. Can the governors ask to see documents which they feel are important, but which were not supplied in the school's exclusion report?

Yes, this should be relevant evidence reasonably required by the governors to aid them in their understanding and decision making and to help clarify facts. No parties should be disadvantaged so any new evidence taken by the panel should also be made available to all the other parties as well. This may result in the need for an adjournment so that people have time to read and consider the new material. Governors should take care when requesting additional material that they are not perceived to be doing so in order to allow one of the parties to improve their case, which would indicate bias. However, it may be appropriate to do so in a situation where, for example, the headteacher has referred in the exclusion report to a certain document like a PSP which has not been included in the pack, and the governors feel it is necessary to see this item in order to reach a fair and balanced decision.

Q23. Should the minutes of the meeting be circulated to all parties after the hearing?

The governing board should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the governing board. These minutes should be made available to all parties on request, and the record of discussion should state clearly how the decisions have been reached (DfE 141) by applying the legal test included at DfE 143). The minutes should also include the date of the meeting and a record of the time the meeting started and ended.

Q24. What should the governors do if the excluded pupil is very young, but the parents wish to bring them to the hearing anyway?

The governing board may wish to make suitable arrangements to allow the child to attend in accordance with the parent's wishes by, for example, allowing the child to enter the hearing at a certain point to tell the panel what they would like to say (DfE 107). The governing board should exercise reasonable discretion and judgement in such cases. The meetings can be emotive so the governing body should notify parents in advance (if they are aware that the parent is bringing the pupil), that they may ask one parent to leave the room with the young pupil if they feel it is not in the child's best interests to hear all representations made about them which may be upsetting for the pupil.

Q25. What happens if the panel feels that it requires legal advice before reaching a decision?

DfE guidance states that the governing board's decision should be communicated "without delay" (DfE 150). However, if the panel feels that it needs to take legal advice before reaching a decision it would be reasonable to argue that this does not constitute undue "delay". Parents should, however, be kept informed as to the reason why they have not received notification of the outcome of the hearing as promptly as they may have expected.

Q26. Can a headteacher cancel an exclusion even during a governing board's hearing to review it?

No, an exclusion can only be cancelled if the governing body has not yet met to consider whether a pupil should be reinstated (DfE 13).

Q27. Can a remote hearing be held so that some of the participants are present face to face and others attend by remote access (sometimes referred to as a "hybrid" hearing)?

The DfE Exclusions Guidance allows for Social Workers or VSHs to join a hearing by remote access that, as a whole, is taking place in person should they wish to do so, but not anyone else. This suggests that other parties should not remotely attend a face-to-face hearing.

Notwithstanding the provisions for Social Workers and VSHs, it would be difficult for a governing board to establish a fair and transparent process where all other parties had an equal opportunity to participate in proceedings if some were only present remotely, even if this was at their own request. HCC therefore strongly recommends that hybrid meetings for anyone other than Social Workers and VSHs are avoided.

Q28. What paperwork does a school need to prepare for a GDC meeting where a pupil has been suspended for more than 15 days?

The school should prepare in the same way that they would have done had a pupil be permanently excluded from school.

Appendix 1

Questions to consider before taking a decision to exclude a pupil. Please note that this is not an exhaustive list

Question	Notes
What is the pupil alleged to have done?	
Has a thorough investigation been carried out?	
Has the pupil been allowed and encouraged to give their version of events?	
Does the evidence suggest that it is more likely than not that the pupil has done what they are alleged to have done?	
Does the alleged behaviour relate 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 such as staff or pupils in the school?	
What does the behaviour policy say about the consequences of such behaviour?	

How has the pupil's behaviour affected the education and welfare of other members of the school community?	
How has the pupil's behaviour affected their own education and welfare?	
What do we know about the root causes of the pupil's behaviour and what has the school done to address any concerns?	

Are there any mitigating factors that need to be considered before deciding on how to respond to the pupil's behaviour, e.g. any SEN, the pupil was provoked or has suffered a recent bereavement?	
Are there any aggravating factors that need to be considered before deciding on how to respond to the pupil's behaviour, e.g. the behaviour was premeditated, warnings about similar behaviour in the past have been ignored, no contrition or willingness to accept responsibility?	
What support has been given to the pupil and what impact has it had?	
What further steps could be taken to support the pupil?	
Have reasonable adjustments been made if the pupil has characteristics protected by the Equality Act 2010?	
If a pupil has an EHCP, has an emergency annual review been held?	
Should a risk assessment be carried out, or updated if one already exists?	
Are there any ways forward that would avoid the need to resort to exclusion, e.g. a process of restorative justice or an off-site direction?	
What consultations have taken place/are felt necessary before taking a decision about how to respond to the behaviour?	
Where relevant, have the VSH and/or social worker been consulted?	

Have you consulted with any other headteachers with regards to your decision to permanently excluded?	
When arranging a GDC meeting, are you confident that your governors are fully trained and have had no prior involvement with the young person or family?	

Appendix 2

Guidance for headteachers regarding exclusion reports

Where the governing board has a duty to review a headteacher's decision to exclude a pupil the headteacher should provide a report, to be circulated where possible to all relevant parties at least five school days in advance of the review.

The report should set out the grounds for the exclusion and the details of the case. Although there is no prescribed format for an exclusion report, headteachers may wish to consider the following suggested structure. The pages of the report should be numbered for ease of reference during the hearing.

An overarching statement from the headteacher to include:

- An introduction that includes the reason for the exclusion precisely as worded in the letter sent to the parents notifying the exclusion. This letter should set out how the decision was made. It may also be appropriate to include background information, but only if it is relevant to the case.
- An overview of the case. For an exclusion based on multiple breaches of the school's behaviour policy over a period of time it would be appropriate to take a chronological approach that summarises the behaviours that have been observed and the supports that have been put in place. For exclusions based on a one-off serious incident it would be appropriate to again take a chronological approach detailing the sequence of events as they unfolded and details of the investigation that took place. It would be inappropriate to mention behaviours not related to the reason for the exclusion.
- An account of how the decision to exclude was reached and the factors and circumstances that were considered. These might include those mentioned in Appendix 1.
- A conclusion that illustrates why the decision to exclude was necessary. This might include a comment about the headteacher's duty of care and the need to balance the needs of the individual against the needs of the whole school community.

- A behaviour log containing brief details of incidents that have occurred in the past with the relevant dates and actions taken. It may be appropriate to include more detail in relation to the more serious incidents, e.g. those that may have led to suspensions, such as incident reports, witness statements and details of the investigations that were carried out. It may not be appropriate to include a behaviour log if the pupil was excluded for a one-off offence, unless the behaviours mentioned are directly relevant to the reason for the exclusion. It is for the GDC to consider the relevance of the evidence.
- Where a pupil has been excluded for multiple breaches of the school's behaviour policy it would be appropriate to include a section in the exclusion report containing details of the interventions that have taken place to modify the pupil's behaviour and how they may have been adapted according to changing needs. This is especially important for a pupil who has characteristics protected by the Equality Act 2010, where there is a legal requirement to make reasonable adjustments. In these circumstances it would be helpful to show how the adjustments made are linked to the pupil's needs and what professional advice was sought in determining what measures should be taken. It may also be appropriate to detail the support that has been put in place for a pupil who has been excluded for a one-off serious incident, e.g. a pupil with SEN whose behaviour can be linked to their need. However, care should be taken to avoid describing measures that have been taken to support pupils excluded for a one-off incident where these measures were not relevant to the incident as this might be interpreted as an attempt to communicate behaviours not related to the reason for the exclusion.
- It would be helpful to have a section which contains all correspondence relating to the exclusion, including the letter notifying the exclusion and the letter inviting the parents to the hearing. Where a pupil has been excluded for multiple breaches of the school's behaviour policy it would also be appropriate to include copies of any previous suspensions that have taken place.
- A further section could contain relevant documents, e.g. PSPs along with reviews, EHCPs (again with reviews), IEPs, risk assessments, etc.
- A copy of the school's behaviour and SEND policies. It is useful to highlight that part of the policy which has been breached, and which indicates that exclusion of the type imposed is a sanction that might be applied in circumstances such as those alleged. This could be followed by a description of the ways in which the provisions of the policy are made known to pupils and parents.

A general queries and advice line for schools, parents and professionals for matters relating to school exclusion and suspension.

Appendix 4

Hertfordshire County Council Pupil removal from roll following permanent exclusion

Advice and guidance to schools

Hertfordshire County Council is committed to ensuring the safeguarding of all pupils, including those permanently excluded from school.

In line with DfE Exclusions Guidance, Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (August 2024), pupils should remain on the roll of the permanently excluding school until the completion of the Permanent exclusion process where an Independent Review Panel (IRP) is requested. Where IRP is not requested by parent(s)/carer(s) then the pupil is removed from roll after the date by which parent could have requested IRP.

To remove pupils from the school roll before the permanent exclusion process is completed could leave the school and the LA open to claims of unlawful off-rolling and open to criticism should a complaint/discrimination claim be brought by parent(s)/carer(s).

Pupils remaining on the roll of the permanently excluding school until the completion of the permanent exclusion ensures the general principle of fairness and the spirit of the DfE Exclusions Guidance and ensures that all pupils are appropriately safeguarded.

The LA understands that there may be the rare individual school circumstances where schools/academies incur a problem in recording dates as part of the DfE school census return. In such circumstances schools should contact the Statutory

School Exclusion Team Advice Line:

Telephone: 01992 555911

Email: Statutoryschoolsexclusionduty@hertfordshire.gov.uk

For further advice on the coding of registers for pupils permanently excluded from school, please contact:

Attendance East – AttendanceDutyEast@hertfordshire.gov.uk

Attendance West - AttendanceDutyWest@hertfordshire.gov.uk

