

Exclusions and Suspensions Policy and Procedure

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1	November 2016	
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5	September 2025	Reviewed by CH to ensure compliance with the new guidance.
6	October 2025	Reviewed by CH and EET (and EET to ensure Trust values and approach to exclusion as a last resort are clear. Internal processes updated and refined.

This policy will be subject to ongoing review and may be amended prior to the scheduled date of the next review in order to reflect changes in legislation, statutory guidance, or best practice (where appropriate).

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1. Vision

The Eden Academy Trust (the Trust) will create a centre of educational excellence where our young people will achieve exceptional outcomes.

2. Introduction and aims

Schools within the Eden Academy Trust (the Trust) cater for pupils with profound to moderate learning difficulties, including those on the autistic spectrum. Many pupils also have additional physical and sensory needs.

To support all our pupils, each school refers to their Social and Emotional Learning Policy (statutory Behaviour Policy), to guide pupils in this area. There will inevitably be times when the behaviour of a pupil is both serious and significant and compromises the health and safety of the pupil and of those around him or her. Schools in the Trust must follow a consistent approach to responding to situations where a pupil's behaviour reaches this level.

As a MAT exclusively comprising special schools, the notion of any kind of exclusion, whether it is temporary or permanent, is an important and challenging concept and one which the Trust believes requires as much clarity and support as possible for schools, families and pupils.

At Eden, we believe, exclusions should **not** be used in a special school context, particularly one where all the pupils have a degree of learning difficulty and disability. The law is clear that exclusions should only be used for **disciplinary reasons**. In other words, exclusions are there as a sanction in response to a pupil seriously and consciously disobeying a school rule. In order for the sanction to have any sense or meaning, therefore, the following pre-conditions need to be in place:

- That the pupil understands and is intellectually and emotionally capable of displaying appropriate responses to different situations;
- That the pupil knows and understands what the school rules are and is able to gauge what constitutes 'serious';
- That the pupil is cognitively able to understand that not being allowed into school is a negative consequence to the actions he/she has taken.

If any of the above pre-conditions are not in place, or they are impaired for some reason, then the use of a sanction via the route of exclusion would be neither desirable nor in any way effective.

Further explanation about the pre-conditions can be seen in section 5.

3. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education:

- [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#)

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006;

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils;
- Section 579 of the [Education Act 1996](#), which defines 'school day';
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#).

This policy complies with our funding agreement and Articles of Association.

4. What is an Exclusion and Suspension?

Exclusion is a disciplinary sanction and means that a pupil is not allowed on the school premises for the duration of the Exclusion.

For the purposes of exclusions, a school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), referred to as suspension or permanent exclusion.

There are two types of elements addressed in this policy:

- Suspension (previously referred to as 'Fixed-Term Exclusion')
- Permanent Exclusion

4.1. Suspension

- A set number of days, after which the pupil returns to school.
- The school must inform the parents/carers, explaining the reasons for the suspension and how long it is to last.
- [The school must inform the Local Authority.](#)
- For the first five days, the school should provide resources/activities for the pupil.
- If the suspension is for more than five days, the school must make arrangements for alternative education for the pupil, as of the sixth day.

- During the suspension, the pupil must not be in a public place during school hours, and the parents/carers are responsible for the whereabouts of the pupil.
- [There cannot be rolling suspensions.](#)
- On returning to school, there will be a reintegration meeting, in which all those concerned can discuss the best way forward for the pupil.
- Parents/carers may have a right to challenge the suspension through a written representation to the Trust Board. Parents/carers may also request a meeting with the Standards Portfolio Holder who may then decide whether or not to reinstate a pupil and if the Head/CEO/DCEO decision to suspend was justified based on the evidence.
- If the school decide to send a child home early when they are being disruptive in school, this should be recorded as a suspension.

4.2. Permanent Exclusion

- For the first five days, the parents/carers are responsible for the pupil's whereabouts, and he/she must not be in a public place during school hours.
- For the first five days, the school should set activities and provide resources for the pupil.
- An assessment of the pupil should be undertaken by the Local Authority, so that a long-term reintegration plan for a new placement can be devised.
- The Local Authority must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion.
- Where a pupil has an EHCP, the Local Authority must ensure that an appropriate full-time placement is identified in consultation with the parents/carers, who retain their rights to express a preference for a school that they wish their child to attend or make representations for a placement in any other school.
- The Trust Board Standards Portfolio Holder will meet to decide whether or not to reinstate a pupil, and if the Head/CEO/DCEO decision to exclude was justified based on the evidence.
- Parents/carers and the pupil will have an opportunity to present their point of view regarding the exclusion. At that meeting, the Trust Board Standards Portfolio Holder will either uphold the exclusion or reinstate the pupil.
- If the permanent exclusion is upheld by the Trust Board Standards Portfolio Holder, the parents/carers have the right to appeal to an Independent Review Panel.

4.3. Circumstances where pre-conditions are not in place or are impaired

There could be many circumstances whereby the stated pre-conditions are either absent or impaired in some way. These could include:

- A pupil with significant emotional fragility who is unable to moderate their physical responses in response to events
- A pupil undergoing a crisis of some sort, whether at home or at school, that has overwhelmed them and their usual ability to respond appropriately to events
- A pupil whose learning difficulty is such that the notion of rules is meaningless
- A pupil whose learning difficulty is such that they are not capable of understanding the notion of cause and consequence
- A pupil who is in a high state of anxiety or fear that has been triggered by events around them
- A pupil who is taking medication that alters their perception of the world around them
- A pupil with sensory processing problems finds a situation impossible to cope with in terms of sensory overload
- A pupil who cannot communicate their anxieties and fears in a way that those around them can understand

The above issues can be created or exacerbated by the school environment itself. This could include:

- The school rules are not stated in a clear and accessible way for the pupil;
- The environment in which they find themselves is unpredictable and/or unable to provide the emotional security they need;
- The lack of appropriate therapeutic or medical support to address a child's emotional needs;
- The lack of suitable communication aids so that the pupil can understand and be understood;
- The lack of an appropriate social and emotional learning programme that is customised for the pupil and understood by all.

In assessing whether the pre-conditions are in place, Heads must consider the above and any other circumstances that may impact on the pupil's behaviour leading up to the incident.

5. Pupils with behaviours that challenge

Certain factors should be taken into consideration for children who display behaviours that challenge, as a result of their Special Educational Need (SEN).

- Schools should engage proactively with parents/carers in supporting the behaviour of pupils with additional needs.
- Early intervention to address the underlying causes of behaviours that challenge should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have.
- The Head should also consider the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour.
- Where a Head has concerns about escalating behaviour and increasing risk of suspension/exclusion, they should discuss this first with their Cluster Lead to consider what additional support may be required.

The decision to suspend/exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as disability.

6. The decision to suspend or exclude

Only the Head, or acting Head, can suspend or exclude a pupil from school, following consultation with the CEO or DCEO. A permanent exclusion will be taken as a last resort.

Our Trust is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

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A decision to suspend or exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school’s SEL (behaviour) policy; and
- If allowing the pupil to remain in school would seriously harm the education or welfare of others.
- If heads are confident that the sanction is appropriate and meaningful for the pupil.
- The pupil meets the three pre-conditions set out in this policy and has been identified as a category 3 pupil (see the Appendix).
- If consideration has been given to educating off site for health and safety reasons rather than excluding, and this option has been deemed to be not appropriate
- That all the necessary paperwork and formalities are followed to ensure compliance with regulations.
- The decision must be agreed by the CEO or the DCEO

Before deciding whether to exclude or suspend a pupil, the Head will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension/exclusion were provoked.
- Allow the pupil to give their version of events.
- Consider the nature of the pupil's special educational needs (SEN) and specifically, their competence and level of understanding in relation to their own conduct.
- Seek advice and guidance from the Regional Director
- Consult with the CEO or DCEO.

When establishing the facts in relation to an exclusion decision, the Head must apply the civil standard of proof, i.e. '*on the balance of probabilities*' it is more likely than not that a fact is true, rather than the criminal standard of '*beyond a reasonable doubt*'.

It is illegal to suspend/exclude a pupil simply because the school is not able to meet their needs, and excluding a pupil for behaviour that is due to their SEN may constitute discrimination.

It is illegal to exclude a pupil for non-disciplinary reasons such as the actions of their parents/carers or their academic ability. When deciding whether to suspend/exclude a pupil, Heads must consider the school's responsibilities under the Equality Act 2010. All our pupils have education, health and care (EHC) plans and are therefore especially vulnerable to the impact of suspension/exclusion, and Heads should avoid permanently excluding them.

6.1. Informing the Board of Trustees and Local Authority

The CEO or DCEO will inform the Chair of the Board of Trustees (the Board).

The Head will notify the local authority (LA).

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Head will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

6.2. Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- **A pupil with a social worker** is at risk of suspension or permanent exclusion, the headteacher will inform **the social worker** as early as possible
- **A pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the headteacher will inform **the VSH** as early as possible

If the headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are considered.

6.3. The Board of Trustees

Responsibilities regarding suspensions/exclusions are delegated to the Board's Standards portfolio holder(s).

The Board's Standards Portfolio Holder has a duty to consider the reinstatement of a suspended/excluded pupil (see section 4.1, 4.2).

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

6.4. The Local Authority

For permanent exclusions, the Local Authority (LA) is responsible for arranging suitable full-time education to begin no later than the sixth day of the suspension/exclusion.

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7. Considering the reinstatement of a pupil

The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023 afford a Head the ability to cancel or rescind an exclusion before the Board's Standards Portfolio Holder has considered whether the pupil should be reinstated. If this occurs, parents/carers, CEO/DCEO, the Board Standards Portfolio Holder and local authority must be notified and if relevant, the social worker and VSH.

The Board's Standards Portfolio Holder will consider the reinstatement of a suspended/excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination

If requested to do so by parents/carers, the Board's Standards Portfolio Holder will consider the reinstatement of an excluded pupil within 50 school days of receiving

notice of the suspension/exclusion if the pupil would be suspended/excluded from school for more than 5 school days, but less than 15, in a single term.

Where a suspension/exclusion would result in a pupil missing a public examination, the Board's Standards Portfolio Holder will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Board's Standards Portfolio Holder will consider the suspension/exclusion and decide whether or not to reinstate the pupil.

The Board's Standards Portfolio Holder can either:

- Decline to reinstate the pupil; or
- Direct the reinstatement of the pupil immediately, or on a particular date.

In reaching a decision, the Board's Standards Portfolio Holder will consider whether the suspension/exclusion was lawful, reasonable, and procedurally fair and whether the headteacher followed their legal duties. They will decide whether a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond a reasonable doubt', as well as any evidence that was presented in relation to the decision to suspend/exclude.

Minutes will be taken of the meeting, and a record of evidence considered will be kept. The outcome will also be recorded on the pupil's educational record.

The Board's Standards Portfolio Holder will notify, in writing, the Head, parents/carers and the LA of their decision, along with reasons for their decision, without delay.

Where permanent exclusion takes place, the Board's Standards Portfolio Holder decision will also include the following:

- The fact that it is a permanent exclusion.
- Notice of parents/carers' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made.
 - The name and address to whom an application for a review should be submitted.
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are relevant to the exclusion.
 - That, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require the Trust to appoint an SEN expert to attend the review
 - Details of the role of the SEN expert, and that there would be no cost to parents/carers for this appointment
 - That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review

- That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review
- That if parents/carers believe that the suspension/exclusion has occurred because of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

8. An independent review

If parents/carers apply for an independent review, the Trust will arrange for an independent panel to review the decision of the Board's Standards Portfolio Holder not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents/carers by the Board's Standards Portfolio Holder of their decision not to reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the Local Advisory Board category, and 2 members will come from the Headteachers category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer;
- Local Advisory Board member(s) who have served as a member for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time and are from a LAB at another school in the Trust;
- Headteachers or individuals who have been a Headteacher within the last 5 years.

A person may not serve as a member of a review panel if they:

- Are a Member/Trustee/Director of the Trust;
- Are the Head of the excluding school, or have held this position in the last 5 years;
- Are an employee of the Trust, or the excluding school (unless they are employed as a Headteacher at another school);
- Have, or at any time have had, any connection with the Trust, school, Board of Trustees, Local Advisory Board, parents/carers or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality;
- Have not had the required training within the last 2 years.

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Board's Standards Portfolio Holder's decision.
- Recommend that the Board's Standards Portfolio Holder reconsider reinstatement.
- Quash the Board's Standards Portfolio Holder decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed).

The panel's decision can be made by a majority vote. In the case of a tied decision, the chair has the casting vote.

9. School registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents/carers were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel; or
- The parents/carers have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review has been made, the Board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for a suspended pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where suspended pupils are not attending alternative provision, code E (absent) will be used.

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA.

10. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents/carers, a member of senior staff and other staff, where appropriate.

The school should design a reintegration strategy that:

- offers the pupil a fresh start
- helps them to understand the effects of their behaviour on themselves and others
- fosters a renewed sense of belonging within the school community
- builds engagement with learning.

The strategy should be regularly reviewed and updated throughout the integration process.

11. Monitoring arrangements

Heads monitor the number of exclusions every term and report back to the Regional Directors and the Board's Standards portfolio Trustee through the termly SMI submission.

The Trust will work with its academies to consider this data, and to analyse whether there are patterns across the Trust, recognising that numbers in any one school may be too low to allow for meaningful statistical analysis.

This policy will be reviewed by the DCEO and the Board annually. At every review, the policy will be shared with the Board.

Appendix: Additional guidance

1) Categories of need

It may be helpful for heads to triage those pupils whom they feel may be **at risk of exclusion** into the following categories:

Category 1

Pupils who are emotionally fragile (either on a permanent or temporary basis) or intellectually struggle to understand the world around them to a point where they are unable to consistently manage their behaviour or their responses to situations and events. These pupils would not fit the pre-conditions because of their intellectual and emotional needs.

Category 2

Pupils who are not in an environment that is suited to meet their needs are finding their placement stressful and inappropriate. These pupils are generally in a state of duress that impairs their ability to meet the pre-conditions.

Category 3

Pupils who are conscious of their behaviours and consequences and of the rules of the school and demonstrate aggressive behaviour regardless. These pupils would meet the pre-conditions.

The above categories are very broad, and there will be many occasions where pupils fit into multiple categories. However, determining which category a pupil belongs (or deciding the balance of categories for those pupils who fit into more than one) may prove to be a useful exercise in the school being proactive in responding to the needs of those pupils.

Suspension or exclusion would only apply as an option for consideration for those pupils who were clearly and mainly Category 3.

Once a school has identified the appropriate category for its at risk pupils, a range of measures may be considered according to that category.

Category 1

Schools should consider the following actions where possible (preferably prior to any incident taking place)

- Convening a MPM to discuss the needs of the child
- Commissioning assessment from the EAT or Local Authority Therapy team in relation to emotional and language needs
- Ensuring there is a clear and individualised SEL plan in place
- Ensuring all AAC needs have been addressed and support is in place where appropriate
- Carrying out a school risk assessment and making sure it is widely shared and kept up to date
- Consider CAMHS involvement where appropriate and if possible

- Convening a meeting with parents/carers to discuss the issues and agree the various strategies
- Ensuring Family Services are fully engaged in identifying the needs of the child and coordinating/brokering support where necessary
- Convening an annual review and whether, as a result of this, the EHCP needs amendment
- Considering adaptations to environment, staffing or resourcing
- Establishing regular class team reviews to look at the SEL plans and discuss a coordinated approach
- Checking, where appropriate, that all Pupil Premium needs have been identified and put in place
- Considering whether additional temporary or permanent support for the pupil is needed and how this would be funded, e.g. through applying for a higher top-up banding, where available

Category 2

All of the actions listed for Category 1 pupils should be considered in addition to the following where possible

- Convening a multi-agency meeting/annual review to raise the school's concerns over placement
- Direct liaison with the appropriate special needs officer from the Local Authority to raise the school's concerns
- Meeting with parents/carers to discuss concerns and seek their views on the appropriateness of placement
- Following LA agreement, supporting parents/carers with visits to other schools to identify more appropriate placement
- Reviewing the EHCP to ensure that the sections identifying needs and provision are fully accurate and up to date

Category 3

All of the actions listed for Category 1 pupils should be considered in addition to the following where possible

- Ensuring the pupil is fully cognisant of his/her SEL programme and plays an active part in its monitoring and review
- Ensuring that all possible measures have been taken to provide the right kind and frequency of therapeutic emotional support both in and out of school
- Ensuring that the pupil has an in-school mentoring and support system in place with suitable opportunities to self-refer where appropriate

- Ensuring expertise is sought both internally and externally where appropriate, e.g. input from the educational psychologist/behaviour support team, etc.
- Ensuring that families get appropriate support to help support social and emotional skills to provide more consistency between home and school settings

2) Educated off-site for health and safety reasons

Although suspension/exclusion would not be an appropriate route for those pupils in Categories 1 and 2, there may still be occasions where the health and safety of the pupil and those around them is compromised to such an extent that the situation needs to be made safe for the pupil to continue to be accommodated and educated. It may be, for example, that the school needs time to convene meetings with relevant parents/carers and professionals to more fully assess the SEL programmes and responses that are in place. Without the necessary time for these meetings to be convened and the appropriate remedial action taken, the Head may judge that continued presence of the pupil at the school would place the pupil and the people around them at significant risk of harm.

In these instances, it is legitimate for a head to decide that arrangements are made for education to be provided off-site under Section 29A Education Act 2002. The plan for the education offsite will be co-constructed with the parents/carers and other relevant agencies if necessary. This time would be restricted to an absolute minimum (typically 1- 5 days) that the Head deemed to be necessary to make the school safe and to clarify for everyone the necessary amendments to policy and practice required to be in place to allow the pupil to safely return.

The following guidelines should be followed in the event of a decision to provide education off-site

- The request needs to be explained and agreed to by parents/carers (if this is not agreed, exclusion may be the only option available)
- The time the pupil is educated offsite must be the absolute minimum to allow for the school to make arrangements for a safe return of the pupil
- Education off-site must not be used as a 'cooling off' period – it is to facilitate active, close multi-agency working that will allow for plans to be reviewed and amended
- A return to school following a period of education off-site should be carefully planned and appropriately supported
- All decisions to request education off-site for pupils should be notified and approved by the CEO/DCEO.

The power under section 29A Education Act 2002 is further defined by the Education (Educational Provision for Improving Behaviour) Regulations 2010. These regulations outline the procedure that must be followed when directing a pupil off-site.

These regulations state that the school must:

Give the prescribed persons (parents/carers of the child, the child (if over 18) and the Local Authority if the child has an EHCP) a notice in writing of the proposed direction off site containing the information prescribed below:

- The address at which the educational provision is to be provided for the pupil.
- The times of the sessions and who will be delivering these sessions.
- The number of days for which the requirement is to be imposed.
- The reasons for, and objectives of, imposing the requirement.

The option to educate off-site rather than exclude is equally valid for Category 3 pupils where the Head deems that the behaviour was as a result of exceptional anxiety and duress rather than a calculated action by the pupil

3) The proposed process

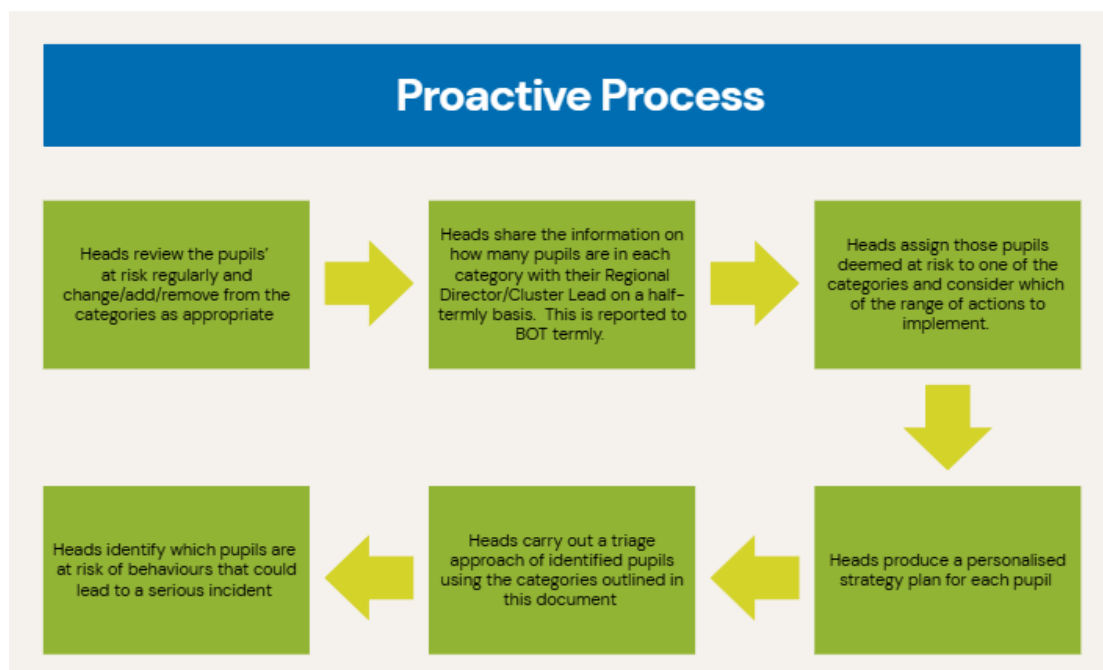
The proposed process falls into two main sections:

The proactive process where schools have taken every possible to identify ‘at risk’ pupils and **put in place measures to support these pupils.**

The reactive process, where, in the event of a serious incident occurring, schools follow a clear and consistent approach that is supportive for the pupil and ensures the health and safety of the pupil and those around him/her.

4) Proactive process

The aim of the proactive process is to reduce the likelihood of serious incidents happening in the first place. It will give schools a clear indicator of the pupils it considers to be at risk and a set of proposed actions that it may consider implementing to support these pupils. It will also provide a useful monitoring system for schools to indicate the changing nature of the school population and any additional resources/input required to address the changing need.



5) Reactive process

