



Brent Exclusions Protocol for Headteachers and Governors 2026/27

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How to use this document

This document sets out the statutory framework and legal requirements governing suspensions and permanent exclusions in Brent.

It should be used:

- To ensure that decisions to suspend or permanently exclude are lawful, reasonable, and proportionate
- As a reference for procedural requirements and responsibilities
- When managing the formal exclusion process

How this document fits with other guidance

This protocol forms part of a wider system of guidance:

- **Brent Exclusions Toolkit for Headteachers and Governors**
Provides practical guidance on decision-making and implementation, including when permanent exclusion is being considered
- **Inclusion Support Team Partnership Framework**
Sets out expectations for early intervention and partnership working prior to exclusion being considered

Using this document alongside the Toolkit

This document sets out what must be done.

For guidance on how to apply decision-making in practice, including determining whether the threshold for permanent exclusion has been met, refer to:

→ **Section 2 of the Exclusions Toolkit (Decision Making)**

This document should be used alongside the Toolkit, not in isolation.

Section 1: Introduction and Purpose

1.1 Purpose of this Protocol

The Brent Exclusions Protocol sets out the local arrangements for the use of suspensions and permanent exclusions in Brent schools.

It is designed to:

- Ensure that exclusion is used lawfully, fairly, and consistently across Brent
- Support headteachers and governing boards to meet their statutory duties
- Provide clarity on the roles and responsibilities of schools, governing boards, and the local authority
- Promote transparency for all stakeholders involved in the exclusion process

This protocol applies to all maintained schools, academies, and pupil referral units (PRUs) in Brent.

1.2 Relationship to Statutory Guidance

This protocol is based on the Department for Education statutory guidance:

[*Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England \(July 2026\)*](#)

Headteachers, governing boards, local authorities, and other relevant parties **must have regard to this statutory guidance** when carrying out their duties in relation to suspension and permanent exclusion.

This protocol supports the consistent application of that guidance within Brent.

1.3 Scope of this Protocol

This protocol applies to:

- Suspension (fixed-period exclusion)
- Permanent exclusion
- The statutory processes and duties associated with exclusion

Including:

- Decision-making by headteachers
- Notification requirements
- Governing board duties
- Local authority responsibilities
- Independent Review Panels (IRPs)

This protocol applies where the threshold for suspension or permanent exclusion has been met.

Headteachers must ensure that any decision to suspend or permanently exclude is based on a clear and evidenced application of professional judgement and is lawful, reasonable and proportionate.

Determining whether the threshold for suspension or permanent exclusion has been met must be based on the statutory criteria and the specific circumstances of the individual case.

In reaching a decision, headteachers should consider:

- The nature and seriousness of the behaviour
- The circumstances in which the behaviour occurred
- The context of the pupil's needs and experiences

Headteachers may also take account of any support, strategies, or interventions that have been implemented. However, the absence or presence of particular interventions does not in itself determine whether the threshold for exclusion has been met.

Where the statutory threshold is met, the formal exclusion process must be followed. Alternative arrangements, including off-site direction and managed moves, must not be used to delay or avoid a lawful exclusion decision.

Further guidance on determining whether the threshold for exclusion has been met is set out in the Brent Exclusions Toolkit.

1.4 What this Protocol Does Not Cover

This protocol applies only where a pupil has been suspended or permanently excluded in accordance with statutory guidance.

It does not apply to situations where a formal suspension or permanent exclusion has not taken place.

This includes, but is not limited to:

- Pupils who are electively home educated (EHE), unless a formal exclusion has been issued
- Pupils who are not currently on roll at a school ([link](#))
- Situations where a permanent exclusion has been discussed but not formally issued
- Informal or unlawful practices, including pupils being sent home or prevented from attending school without a formal exclusion ([link](#))
- Arrangements where a pupil is unable to attend school due to health or other needs, which may fall under separate local authority duties ([link](#))

In such cases, different legal frameworks and processes apply and links to these are provided above where relevant.

For the avoidance of doubt, this protocol does not apply to situations where a pupil's attendance at school is restricted for safeguarding reasons rather than disciplinary reasons.

In such cases, different legal and procedural frameworks apply. However, schools must ensure that:

- Any restriction on attendance is clearly justified, necessary, and based on a documented safeguarding assessment
- The arrangement is time-limited and subject to regular review
- The pupil continues to receive suitable education in line with statutory duties

Where a restriction on attendance is, in substance, a response to behaviour or disciplinary concerns, it must be managed as a formal suspension or permanent exclusion in accordance with this protocol.

1.5 Relationship to Brent's Inclusion and Exclusion System

Brent's approach to exclusions forms part of a wider inclusion system designed to support children and young people at risk of suspension, permanent exclusion, or placement breakdown.

This system is based on a graduated approach ([link](#)) that prioritises:

- Early intervention and prevention through strong partnership working
- Clear and evidence-informed decision-making
- Appropriate use of statutory processes where required
- Continuity of education and support for all pupils

The system is set out across four key documents:

- The **Inclusion Support Team Partnership Framework** – which outlines expectations for early intervention, graduated response, and partnership working
- The **Brent Exclusions Protocol** – which sets out statutory duties, legal requirements, and expectations for decision-making
- The **Brent Exclusions Toolkit** – which provides practical guidance, templates, and resources to support implementation of exclusion processes
- The **Parent and Carer Guide to Exclusions** – which explains the process, rights, and support available to families

Together, these documents provide a coherent framework for:

- Preventing exclusion wherever possible
- Ensuring that exclusion is used lawfully and appropriately
- Supporting consistent and effective practice across schools and services

This Partnership Framework focuses on the **early stages of this system**, where support, intervention, and collaboration are critical to preventing escalation.

Section 2: Status of this Protocol

2.1 Legal Status

This protocol has been developed to support the application of the Department for Education statutory guidance:

Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England (July 2026)

This statutory guidance is issued under relevant legislation. Headteachers, governing boards, local authorities, and academy trusts **must have regard to it** when carrying out their duties in relation to suspension and permanent exclusion.

This protocol does not replace statutory guidance or legislation. It provides a locally agreed framework to support the consistent application of statutory requirements within Brent.

2.2 Relationship to Legislation and Guidance

This protocol should be read alongside:

- Relevant primary legislation, including the [Education Act 2002](#), the [Education and Inspections Act 2006](#), and the [Education Act 1996](#)
- The [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)
- The statutory guidance on [suspension and permanent exclusion \(July 2026\)](#)
- Other relevant statutory guidance, including behaviour, safeguarding, SEND, and attendance guidance

This protocol is not intended to provide a complete or definitive statement of the law.

2.3 Precedence of Statutory Guidance and Legislation

Where there is any discrepancy between this protocol and statutory guidance or legislation, statutory guidance and legislation must be followed.

Headteachers, governing boards, academy trusts, and local authorities are responsible for ensuring that their decisions and actions comply with all relevant legal duties and statutory guidance.

This protocol does not introduce additional thresholds or requirements for suspension or permanent exclusion beyond those set out in statutory guidance and legislation.

Decisions to suspend or permanently exclude must be based on the statutory criteria and the professional judgement of the headteacher in the specific circumstances of each individual case.

Nothing in this protocol should be interpreted as preventing or delaying a lawful exclusion where the statutory threshold is met.

2.4 Use of Language

In line with statutory guidance:

- The term “**must**” indicates a legal requirement
- The term “**should**” indicates guidance that should be followed unless there is a good reason not to

Where terminology from statutory guidance is used within this protocol, it carries the same meaning as defined in that guidance.

Section 3: Brent's Approach to Inclusion and Exclusion

3.1 A Graduated Approach to Inclusion

The Department for Education recognises that suspensions and permanent exclusions are important behaviour management tools and may be used where appropriate in line with statutory guidance.

Schools should seek to understand the underlying causes of behaviour and consider appropriate support and intervention. However, decisions about suspension or permanent exclusion must be based on the statutory criteria and the individual circumstances of the case, and not on a requirement to demonstrate that specific interventions have been exhausted.

3.2 Prevention and Early Intervention

Decisions about suspensions and permanent exclusions should take account of the wider context of the pupil's needs and the support in place.

Headteachers and governing boards should consider relevant circumstances and any support or intervention that has been implemented. However, these considerations do not prevent a decision to exclude where the statutory threshold is met.

All decisions must be made in line with the principles set out in this protocol and statutory guidance.

The Inclusion Support Team Partnership Framework sets out expectations for how schools and services work together at this stage to reduce the risk of escalation.

3.3 The Role of this Protocol

This protocol applies at the point where:

- Suspension is being considered or used; or
- Permanent exclusion is being considered or used

It sets out the statutory framework and processes that must be followed in these circumstances.

It does not replace the need for schools to take appropriate steps to support pupils before exclusion is considered, nor does it set out the full range of interventions that may be available.

3.4 Linking Prevention and Exclusion

Decisions about suspensions and permanent exclusions should take account of the broader context of the pupil's circumstances.

Headteachers and governing boards should consider relevant information, including any support or intervention that has been implemented. However, these considerations do not prevent a decision to exclude where the statutory threshold is met.

All decisions must be made in line with statutory guidance and the principles set out in this protocol.

Section 4: Key Principles

4.1 Lawful, Reasonable, Fair and Proportionate

Any decision to suspend or permanently exclude a pupil must be made in line with the principles of administrative law.

This means the decision must be:

- **Lawful** – in accordance with relevant legislation and statutory guidance
- **Reasonable** – based on relevant considerations and evidence
- **Fair** – following a proper and transparent process
- **Proportionate** – appropriate to the circumstances of the case

Headteachers and governing boards must ensure that these principles are applied in all exclusion decisions.

4.2 Last Resort

Suspensions and permanent exclusions are serious sanctions.

Permanent exclusion must only be used:

- In response to a **serious breach or persistent breaches** of the school's behaviour policy; and
- Where allowing the pupil to remain in school would **seriously harm the education or welfare** of the pupil or others

Permanent exclusion should be used only as a **last resort**.

Suspension may be used as part of a school's behaviour policy, including as an indication that a pupil is at risk of permanent exclusion where behaviour does not improve.

4.3 Consideration of Individual Circumstances

Before making a decision to exclude, headteachers must take account of all relevant factors.

This includes:

- The pupil's views, taking account of their age and understanding
- Any contributing factors to the behaviour
- The individual circumstances of the pupil

Decisions should not be based solely on the incident in isolation.

4.4 Safeguarding and Welfare

Schools have a duty to safeguard and promote the welfare of pupils.

In taking decisions about suspension or permanent exclusion, headteachers and governing boards must:

- Consider their safeguarding responsibilities
- Take account of the potential impact of exclusion on the pupil's welfare
- Decisions should take account of both the impact on the individual pupil and the need to maintain a safe and orderly environment for all

Where a pupil is required to leave or not attend the school site for safeguarding reasons, this must be clearly distinguished from a suspension.

Schools must ensure that:

- The decision is based on a clear safeguarding rationale (for example, risk to or from another pupil or an ongoing investigation)
- A written safeguarding risk assessment is in place
- The arrangement is necessary, proportionate, and time-limited
- Regular review is undertaken, with a clear plan for next steps

Where the reason for removal from site is disciplinary in nature, or relates to behaviour management, this must be treated as a suspension or permanent exclusion and recorded in accordance with statutory requirements.

4.5 Equality and SEND Duties

When making decisions about exclusion, schools must comply with their duties under the [Equality Act 2010](#) and the [Children and Families Act 2014](#).

This includes:

- Not discriminating against pupils on the basis of protected characteristics
- Making reasonable adjustments for pupils with disabilities
- Using best endeavours to support pupils with special educational needs

Where a pupil has an Education, Health and Care (EHC) plan, schools should work with the local authority and consider whether a review of the plan is required.

Failure to take account of these duties may render a decision to exclude unlawful.

4.6 Priority Groups

When considering suspension or permanent exclusion, particular attention should be given to pupils who may be more vulnerable.

This includes:

- Pupils with a social worker
- Looked-after and previously looked-after children
- Pupils with special educational needs or disabilities, including those with an EHC plan

Headteachers and governing boards must ensure that the needs and circumstances of these pupils are fully considered in line with statutory guidance.

4.7 Reduced Timetables and Exclusion Decisions

Before making a decision to suspend or permanently exclude, schools must ensure that any reduced or part-time timetable arrangements have been lawful and appropriately managed.

[Reduced timetables](#) must not be used:

- To delay or avoid a decision to exclude
- As an alternative mechanism for managing behaviour where the threshold for exclusion has been met

Any reduced or part-time timetable must be:

- Formally agreed with parents
- Time-limited
- Subject to regular review
- Recorded appropriately in line with attendance guidance

Where a pupil's access to full-time education has been reduced, schools should ensure that this has been lawful, temporary, clearly justified, and subject to regular review.

Any use of a reduced timetable may be relevant to the wider context of decision-making. However, this does not in itself determine whether the threshold for suspension or permanent exclusion has been met.

4.8 Evidence and Standard of Proof

When establishing the facts in relation to an exclusion decision, headteachers and governing boards must apply the **civil standard of proof**.

This means that, on the basis of the evidence available, it must be **more likely than not** that the alleged behaviour occurred.

4.9 Recording and Transparency

All suspensions and permanent exclusions must be formally recorded and communicated in line with statutory requirements.

Informal or unlawful practices are not permitted, including:

- Sending a pupil home without following the formal suspension process
- Preventing a pupil from attending school without a recorded exclusion
- Placing a pupil on a part-time timetable as a disciplinary measure without appropriate process

Such practices do not meet statutory requirements.

Section 5: The Headteacher's Power to Suspend or Permanently Exclude

5.1 Authority to Exclude

Only the headteacher of a school has the authority to suspend or permanently exclude a pupil on disciplinary grounds.

A pupil may be:

- Suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year; or
- Permanently excluded

Headteachers may also consider behaviour that takes place **outside of the school premises** when making decisions about suspension or permanent exclusion.

5.2 Decision-Making

Decisions to suspend or permanently exclude must be made **in accordance with the principles set out in Section 4** of this protocol.

Headteachers must ensure that decisions are based on the individual circumstances of each case and that all relevant factors have been taken into account.

For practical guidance on applying the decision-making framework, including determining whether the threshold for permanent exclusion has been met, headteachers should refer to **Section 2 of the Brent Exclusions Toolkit**.

5.3 Establishing the Facts

When establishing the facts in relation to an exclusion decision, the headteacher must apply the **civil standard of proof**.

This means that, on the balance of probabilities, it must be **more likely than not** that the alleged behaviour occurred.

Headteachers must take account of their duty of care when making decisions about removing a pupil from the school site.

5.4 Considering the Pupil's Views

Before making a decision to exclude, the headteacher should take reasonable steps to consider the pupil's views, taking account of their age and understanding.

Where appropriate, the pupil should be supported to express their views, including through parents or other advocates.

5.5 Safeguarding-Based Restriction on Attendance ("Separation")

In limited circumstances, a school may determine that it is necessary to **temporarily restrict a pupil's attendance at the school site for safeguarding reasons**. This may include situations where there is a risk to or from a pupil, such as where there are serious concerns relating to child-on-child abuse, ongoing investigations, or significant risk of harm.

This type of arrangement is referred to in statutory guidance as "**safeguarding-based restriction on attendance**" and is sometimes described as "**separation**".

This is **not a suspension or permanent exclusion** and must not be recorded or treated as such.

Legal and procedural requirements

Where a school implements a safeguarding-based restriction on attendance, it must ensure that:

- The decision is based on a clear and recorded safeguarding rationale, led by the Designated Safeguarding Lead (DSL) or an appropriate senior leader
- A written safeguarding risk assessment is in place
- The arrangement is necessary, proportionate, and time-limited
- There is a clear plan for review, with regular monitoring of the arrangement
- The pupil continues to receive suitable full-time education, in line with statutory duties

The local authority may be required to arrange suitable education where it is not being provided by the school or parent, in accordance with Section 19 duties.

Distinguishing safeguarding restriction from exclusion

Schools must be clear about the distinction between safeguarding and disciplinary decisions:

- Where a pupil is required to leave or not attend school for disciplinary reasons, this must be managed as a suspension or permanent exclusion in line with this protocol
- Safeguarding-based restriction must not be used as an alternative to exclusion where the threshold for suspension or permanent exclusion has been met
- Equally, exclusion must not be used where the primary issue is safeguarding rather than behaviour

Schools must not use safeguarding arrangements to delay, avoid, or replace a lawful exclusion decision.

Accountability and oversight

Governing boards should ensure that:

- Any safeguarding-based restriction on attendance is lawful, justified, and appropriately recorded
- Arrangements are reviewed regularly
- There is a clear distinction between safeguarding measures and exclusion processes

Failure to apply the correct framework may constitute unlawful practice.

5.6 Suspension

A suspension is a temporary removal of a pupil from the school.

Suspension is an important behaviour management tool and should be used in line with the school's behaviour policy.

A suspension may be used:

- As a response to unacceptable behaviour
- As a signal of the seriousness of the behaviour
- Where it is necessary to maintain a safe and orderly environment

Where a pupil is subject to repeated suspensions, schools should consider whether suspension is an effective response, and whether further or alternative strategies are required to address the behaviour.

5.7 Permanent Exclusion

A permanent exclusion is when a pupil is no longer allowed to attend the school, unless reinstated following the statutory process.

A decision to permanently exclude a pupil must only be taken:

- In response to a **serious breach or persistent breaches** of the school's behaviour policy; and
- Where allowing the pupil to remain in school would **seriously harm the education or welfare** of the pupil or others

Permanent exclusion must be used only as a **last resort**.

5.8 Pre-Exclusion Consultation (Threshold Review)

A Pre-Exclusion Consultation (Threshold Review) is a non-statutory, advisory process. It does not form part of the legal exclusion procedure and is not a requirement of statutory guidance.

A Pre-Exclusion Consultation supports ensuring that:

- The decision to exclude is based on a clear understanding of the statutory test
- The circumstances are appropriately identified as:
 - safeguarding-related
 - behaviour requiring further intervention, or
 - behaviour where the threshold for permanent exclusion has been met
- The correct pathway is followed in accordance with this protocol

This consultation should take place where a headteacher:

- Is actively considering permanent exclusion, and
- Has not yet made or communicated the final decision

A Pre-Exclusion Consultation helps to clarify whether:

- The matter should be addressed through safeguarding arrangements, including restriction on attendance (see Section 5.5),
- Further intervention remains appropriate, or
- The threshold for permanent exclusion has been reached

Where the threshold for permanent exclusion is met, schools should proceed in line with statutory requirements. Alternative arrangements must not be used in place of exclusion at this stage.

A Pre-Exclusion Consultation:

- Does not replace the headteacher's decision-making responsibility
- Does not constitute approval or authorisation of exclusion
- Must not delay a lawful permanent exclusion decision
- Is not required in order for an exclusion to be lawful

The decision to permanently exclude remains the responsibility of the headteacher and must be made in accordance with statutory guidance.

5.9 Cancelling an Exclusion

A headteacher may cancel any suspension or permanent exclusion that has already begun, or one that has not yet begun, provided that the governing board has not yet met to consider whether the pupil should be reinstated.

Cancellation of an exclusion is expected to be **exceptional** and should only occur where there is a clear and justifiable reason to do so. This may include, for example:

- New information coming to light that materially affects the decision
- A significant procedural error in the original decision-making process

Where an exclusion is cancelled:

- The headteacher must notify parents, the governing board, the local authority, and where relevant the pupil's social worker and/or the Virtual School Head, without delay

- The reason for the cancellation must be clearly recorded and shared
- The governing board's duty to consider reinstatement ceases
- The pupil must be allowed to return to the school without delay

Any days spent out of school as a result of the exclusion before it was cancelled will count towards the maximum number of suspension days in an academic year.

Headteachers should ensure that all relevant information has been carefully considered prior to taking the decision to exclude.

Cancellation must not be used to:

- Revisit or delay a decision where the threshold for exclusion has already been met
- Substitute alternative arrangements in place of exclusion at a later stage

Good practice is to use a **Pre-PEX Consultation (Threshold Review)** prior to making a decision to ensure that the correct threshold and pathway have been identified.

Where there is uncertainty at the point of decision-making, headteachers are encouraged to use a **Pre-Exclusion Consultation (Threshold Review)** prior to issuing the exclusion to ensure that the correct threshold and pathway have been identified.

5.10 Formal Process Requirement

Any suspension or permanent exclusion must be formally recorded and carried out in accordance with statutory requirements.

It is unlawful to:

- Send a pupil home for disciplinary reasons without following the formal suspension process
- Prevent a pupil from attending school without recording a suspension or permanent exclusion
- Use informal arrangements to avoid the statutory exclusion process

All decisions to remove a pupil from the school site on disciplinary grounds must be made through the formal processes set out in legislation and statutory guidance. This includes circumstances where a pupil is sent home, asked to remain at home, or otherwise prevented from attending school.

Where this action is taken for disciplinary reasons, it must be recorded as a suspension.

Schools must not use informal arrangements, including "cooling off" periods or part-time attendance without appropriate process, to avoid the statutory requirements for suspension or permanent exclusion.

Where a pupil is not attending for safeguarding reasons, this must be clearly recorded, justified, and managed separately from exclusion processes in line with safeguarding duties.

Section 6: Factors to Consider Before Exclusion

6.1 Considering the Use of Exclusion

Before making a decision to suspend or permanently exclude a pupil, headteachers should consider the individual circumstances of the case and any relevant contributing factors.

Suspension and permanent exclusion may be used where appropriate in line with statutory guidance. In reaching a decision, headteachers may consider what support, strategies, or interventions have been implemented, whether further intervention may be appropriate and any relevant assessments or professional input.

This section should be considered alongside the decision-making responsibilities set out in **Section 5**, prior to making a final decision to suspend or permanently exclude.

6.2 Preventative Measures

Headteachers should consider whether additional support or alternative approaches may be appropriate in addressing a pupil's behaviour. This may include:

- Early intervention and in-school support
- Targeted strategies to improve behaviour
- Engagement with parents and carers
- Involvement of external professionals or services

These considerations form part of the broader context of decision-making. However, they do not prevent a decision to exclude where the statutory threshold is met.

6.3 Off-Site Direction and Managed Moves

Before permanently excluding a pupil, headteachers should consider whether alternative arrangements may be appropriate.

This includes:

1. **Off-site direction** – where a pupil attends another setting on a temporary basis to improve behaviour
2. **Managed moves** – which involve a voluntary and permanent transfer to another school

These arrangements serve different purposes and must not be used interchangeably.

Any consideration of these options must take account of the statutory requirements that apply to their use, including:

Off-site direction

Off-site direction is a temporary intervention. It must:

- Have a clear purpose linked to improving behaviour or engagement
- Include defined objectives and a planned duration
- Be subject to regular review
- Retain the pupil on the roll of the home school

Off-site direction must not be used as a long-term or indefinite placement, nor as a substitute for either a managed move or a permanent exclusion.

Managed moves

A managed move is a voluntary agreement between the current school, the receiving school, and the parent (or pupil, where appropriate) for a permanent transfer.

Managed moves:

- Must be agreed by all parties
- Result in the pupil being placed on roll at the receiving school
- Must not be used to avoid or delay a formal permanent exclusion where the threshold is met

Managed moves must not be used as a trial or temporary placement. Where a placement is intended to be temporary or to assess suitability, this must be arranged through off-site direction.

Managed moves must be carried out in line with admissions law and must not be used to circumvent or undermine fair access arrangements or the requirements of the School Admissions Code.

Schools must ensure that any decision to use off-site direction or a managed move is clearly evidenced, appropriately planned, and compliant with statutory guidance.

6.4 Special Educational Needs and Disabilities (SEND)

Where a pupil has special educational needs or a disability, or where such needs are suspected, headteachers should consider:

- Whether appropriate support is in place
- Whether additional support or alternative provision is required
- Whether the school's duties under the [Equality Act 2010](#) and the [Children and Families Act 2014](#) are being met

Where a pupil has an Education, Health and Care (EHC) plan, the school should work with the local authority and consider whether a review of the plan is required.

6.5 Equality Considerations

In making decisions about exclusion, schools must ensure they comply with their duties under the [Equality Act 2010](#).

This includes:

- Avoiding discrimination
- Making reasonable adjustments for disabled pupils
- Considering whether policies or practices may place certain groups of pupils at a disadvantage

Failure to take account of these duties may render a decision to exclude unlawful.

6.6 Safeguarding and Welfare

Headteachers must consider safeguarding responsibilities when making decisions about suspension or permanent exclusion.

Where a pupil has a social worker, is looked-after, or is otherwise vulnerable, schools should:

- Engage with relevant professionals at an early stage
- Consider the potential impact of exclusion on the pupil's welfare
- Take account of the support that may be required to reduce the risk of exclusion

In cases involving serious incidents, including those that may involve harm to or from other pupils, headteachers must consider whether the behaviour should be addressed through safeguarding processes rather than disciplinary sanction, in line with statutory safeguarding guidance.

In cases involving behaviour that may relate to peer-on-peer abuse or harmful sexual behaviour, schools should ensure that responses are aligned with safeguarding guidance.

Where appropriate, the Designated Safeguarding Lead should be involved in determining the appropriate response.

6.7 Contributing Factors

Following an incident of behaviour, headteachers should consider any contributing factors that may have affected the pupil's behaviour.

This may include, but is not limited to:

- Bereavement or family circumstances
- Mental health needs
- Bullying or peer conflict
- Other factors that may impact on behaviour

These factors should be considered alongside the need to maintain a safe environment for all pupils and staff.

6.8 Use of Alternative Provision

Where alternative provision is being considered as part of an intervention, it should be based on an understanding of the support required to improve the pupil's behaviour and meet their needs.

Any use of alternative provision should:

- Be clearly planned
- Include defined objectives
- Be subject to regular review

Where a pupil remains on roll at a school while attending provision at another setting, this may constitute an **off-site direction** and must comply with the statutory requirements set out in guidance.

6.9 Use of Restrictive Interventions

Where an incident leading to a potential suspension or permanent exclusion has involved the use of reasonable force, restraint, or seclusion, headteachers must ensure that:

- The incident has been recorded in line with statutory guidance
- Parents have been informed as required
- The circumstances of the incident, including any contributing factors, have been reviewed

Restrictive interventions must only be used for the purposes of preventing harm and must not be used as a form of discipline.

Where relevant, the use of restrictive intervention should be considered as part of the overall context when reaching a decision about an exclusion.

Section 7: Notification Requirements

7.1 Duty to Inform Parents

Whenever a headteacher suspends or permanently excludes a pupil, they must **notify the parents (or the pupil if aged 18 or over) without delay**.

The headteacher must also, without delay, provide the following information **in writing**:

- The reason(s) for the suspension or permanent exclusion
- The period of the suspension or confirmation that the exclusion is permanent
- The parent's right to make representations to the governing board and how to do so
- Information about how the pupil may be involved in this process
- Where applicable, the requirement for the governing board to consider reinstatement
- The parent's right to attend a governing board meeting and to be represented
- Information about requesting a meeting via remote access, where applicable

Where a pupil is of compulsory school age, parents must also be informed of their duty to ensure that the pupil is not present in a public place during school hours on specified days.

This section applies once a decision to suspend or permanently exclude has been made and sets out the statutory notification requirements that must be followed.

7.2 Information About Education Provision

Where education provision (likely an off-site direction) is arranged following a suspension, the headteacher must include (where reasonably practicable within the required timeframe):

- The start date of the provision
- The address where the provision will take place
- The start and finish times (including session times where applicable)
- The name of the person the pupil should report to

If this information is not available at the time of the initial notification, it must be provided **without delay**, and no later than 48 hours before the provision begins (unless earlier provision is agreed with parents).

The use of off-site direction or other placement arrangements should be determined in line with statutory guidance and based on the individual circumstances of the case.

This section relates only to the communication of provision arrangements, not to decision-making about their use.

7.3 Informing the Governing Board

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

- Any permanent exclusion
- Any suspension or permanent exclusion that would result in the pupil being excluded for more than five school days in a term
- Any suspension or permanent exclusion that would result in the pupil missing a public examination or national curriculum test

The governing board must be provided with sufficient information to enable it to fulfil its statutory duties.

7.4 Informing the Local Authority

The headteacher must notify the local authority **without delay** of all suspensions and permanent exclusions, regardless of their length.

For permanent exclusions, where the pupil resides in a different local authority area, the pupil's home authority must also be notified without delay.

Notifications must include:

- The reason(s) for the suspension or permanent exclusion
- The duration of any suspension, or confirmation that the exclusion is permanent

7.5 Informing Social Workers and Virtual School Heads

Where a pupil has a social worker, the headteacher must notify the social worker **without delay** of any suspension or permanent exclusion.

Where a pupil is looked-after, the Virtual School Head must also be notified without delay.

These professionals must also be informed of any governing board meeting considering the exclusion and must be allowed to attend and make representations.

7.6 Method of Communication

Notification to parents should, wherever possible, be provided in person or by telephone in the first instance, without delaying the formal written notice.

Written notification may be provided:

- By delivering it directly to the parent
- By leaving it at the parent's usual or last known address
- By posting it to that address
- Electronically, where the parent has agreed to receive communication in this way

Headteachers should ensure that communication is clear and accessible, taking into account any communication needs, including language or accessibility requirements.

7.7 Requirement for Formal Notification

All suspensions and permanent exclusions must be formally recorded and confirmed in writing.

Failure to provide the required notification does not invalidate the exclusion. However, headteachers must ensure that all statutory notification requirements are met as soon as possible.

Section 8: Governing Board Duties

8.1 Role of the Governing Board

Governing boards have a key role in both reviewing individual exclusion decisions and overseeing the use of suspension, permanent exclusion, and pupil movement within the school.

In carrying out this role, governing boards must:

- Consider whether the decision to exclude was lawful, reasonable, and procedurally fair, taking account of the evidence presented and the circumstances of the case
- Take account of the circumstances and interests of the pupil
- Consider the impact on other pupils, staff, and the wider school community

This section applies following notification of the exclusion and sets out the statutory responsibilities of the governing board in reviewing the decision.

8.2 Duty to Consider Reinstatement

The governing board must consider and decide whether a pupil should be reinstated in the following circumstances:

- Where a pupil has been permanently excluded
- Where a suspension would result in a pupil being excluded for more than 15 school days in a term
- Where a suspension or permanent exclusion would result in the pupil missing a public examination or national curriculum test

In these cases, the governing board must meet within **15 school days** of receiving notice of the exclusion.

8.3 Suspension – More Than 5 but Not More Than 15 Days

Where a suspension results in a pupil being excluded for more than 5 but not more than 15 school days in a term:

- The governing board must consider any representations made by parents
- If representations are received, the governing board must meet within **50 school days** of receiving notice of the exclusion
- If no representations are received, the governing board is not required to meet and does not have the power to direct reinstatement

8.4 Suspension – 5 Days or Fewer

Where a suspension results in a pupil being excluded for **5 school days or fewer** in a term:

- The governing board must consider any representations made by parents
- The governing board is not required to meet and does not have the power to direct reinstatement

8.5 Consideration Process

When considering whether to reinstate a suspended or permanently excluded pupil, the governing board must:

- Consider representations from:
 - The parents (or pupil aged 18 or over)
 - The headteacher
 - The local authority (where applicable)
 - The pupil's social worker, where the pupil has one
 - The Virtual School Head, where the pupil is looked-after
- Take account of the pupil's age and understanding, and enable their participation where appropriate
- Apply the **civil standard of proof** when establishing the facts

In reaching a decision, the governing board must act in accordance with the **principles set out in Section 4** of this protocol.

8.6 Outcomes of Consideration

Following its consideration, the governing board may:

- Decline to reinstate the pupil; or
- Direct reinstatement of the pupil immediately or on a specified date

In the case of a permanent exclusion, if the governing board decides not to reinstate the pupil, parents must be informed of their right to request an Independent Review Panel.

8.7 Notification of Decision

The governing board must notify parents, the headteacher, and, where relevant, the local authority, the pupil's social worker, and the Virtual School Head of its decision **without delay**, including the reasons for that decision.

Where the decision relates to a permanent exclusion and reinstatement is declined, the notification must include:

- Details of the right to request an Independent Review Panel (IRP)
- The time limit for making a request
- Information about the role of a Special Educational Needs (SEN) expert

8.8 Record Keeping

The governing board must ensure that a clear written record is kept of its decision and the reasons for that decision.

Relevant documentation should be retained in accordance with statutory requirements.

8.9 – Strategic Oversight

Governing boards should take an active role in reviewing and evaluating the use of suspension, permanent exclusion, and pupil movement within the school.

Governing boards should ensure that off-site direction placements are subject to appropriate monitoring and review, including consideration of progress against objectives and the ongoing suitability of the placement.

This should include consideration of patterns and trends over time, including:

- The use of suspension and permanent exclusion
- The use of off-site direction and alternative provision
- Any safeguarding-based restrictions on attendance
- The impact on specific groups of pupils, including those who are more vulnerable

Governing boards should use this information to provide appropriate challenge and support to school leaders, ensuring that practice is lawful, proportionate, and consistent with statutory guidance.

Section 9: Local Authority Duties

9.1 Overview

Local authorities have statutory responsibilities in relation to suspensions and permanent exclusions.

These responsibilities include:

- Receiving notifications of suspensions and permanent exclusions
- Arranging suitable full-time education for permanently excluded pupils from the sixth school day
- Providing advice and information to governing boards and Independent Review Panels
- Supporting compliance with statutory processes

9.2 Notification of Exclusions

The local authority must be notified **without delay** of all suspensions and permanent exclusions.

This information enables the local authority to:

- Monitor the use of exclusion across schools
- Fulfil statutory duties in relation to excluded pupils
- Ensure that appropriate arrangements are in place, including education provision where required

9.3 Duty to Arrange Education from the Sixth School Day

Where a pupil has been permanently excluded, the local authority must, under [Section 19 of the Education Act \(1996\)](#), arrange **suitable full-time education** from the **sixth school day** after the first day the permanent exclusion takes effect.

This provision must be:

- Suitable to the pupil's age, ability, aptitude, and any special educational needs
- Full-time, unless it would not be in the pupil's best interests for reasons relating to their health or other specific circumstances

The local authority is responsible for ensuring that provision is in place within the required timescale.

9.4 Day 6 Duty for Suspended Pupils

For the first five school days of a suspension, the school is responsible for setting and marking work.

From the **sixth school day of a suspension**, the school (not the local authority) must arrange suitable full-time education where the suspension extends to that point.

9.5 Provision Following Permanent Exclusion

The local authority must ensure that appropriate arrangements are in place to support pupils following permanent exclusion.

This includes:

- Securing suitable education provision
- Working with providers, including pupil referral units and other alternative provision
- Supporting transition to longer-term arrangements, including reintegration or onward placement where appropriate

9.6 Participation in Governing Board Meetings

The local authority should attend governing board meetings considering permanent exclusions, **typically through the relevant committee (for example, a Governors' Discipline Committee or equivalent panel).**

The role of the local authority at these meetings is to:

- Provide advice on statutory processes
- Ensure that relevant information is available
- Support the governing board in fulfilling its duties

9.7 Independent Review Panels (IRPs)

Where a parent requests an Independent Review Panel following a governing board decision not to reinstate a permanently excluded pupil, the local authority must:

- Arrange and convene the Independent Review Panel
- Ensure that panel members are independent and appropriately trained
- Provide administrative support for the panel process

The local authority must ensure that the panel is conducted in accordance with statutory requirements.

9.8 Monitoring and Oversight

Local authorities have a role in monitoring the use of suspensions and permanent exclusions across their area.

This includes:

- Identifying patterns and trends in exclusion

- Supporting schools to meet statutory expectations
- Working with schools to promote good practice and reduce the need for exclusion

9.9 Relationship to Other Local Authority Duties

The duties set out in this section relate specifically to suspensions and permanent exclusions.

Local authorities have additional responsibilities in relation to children who are unable to attend school for other reasons, including duties to arrange suitable education in certain circumstances.

These duties operate under separate legal frameworks and are outside the scope of this protocol unless a suspension or permanent exclusion has taken place in accordance with statutory guidance.

Section 10: Independent Review Panels (IRPs)

10.1 Right to Request an Independent Review

Where a governing board has decided **not to reinstate** a pupil following a permanent exclusion, the parent (or the pupil if aged 18 or over) has the right to request an Independent Review Panel (IRP).

The request must be made **in writing** within **15 school days** of the parent being notified of the governing board's decision.

Requests must be made to the local authority.

10.2 Role of the Independent Review Panel

An Independent Review Panel reviews the decision of the governing board **not to reinstate** the permanently excluded pupil.

The panel does not reconsider the headteacher's decision directly. Instead, it reviews whether the governing board's decision was:

- **Lawful**
- **Reasonable**
- **Procedurally fair**

10.3 Composition of the Panel

The Independent Review Panel must consist of:

- A **lay member**, who must chair the panel
- A **school governor**
- A **headteacher**, or a person who has held this position

Panel members must be independent and appropriately trained.

10.4 Special Educational Needs (SEN) Expert

Parents have the right to request the attendance of a **Special Educational Needs (SEN) expert** at the IRP.

The role of the SEN expert is to:

- Provide impartial advice on how special educational needs may be relevant to the exclusion

- Advise whether the school's policies and practice were consistent with its duties in relation to SEND

The SEN expert:

- Does not represent either the parent or the school
- Does not make recommendations about the outcome of the review

10.5 Consideration by the Panel

When considering the case, the panel must:

- Review the governing board's decision based on the evidence presented
- Consider representations from:
 - The parents (or pupil aged 18 or over)
 - The governing board
 - The local authority
- Take account of the pupil's age and understanding and enable their participation where appropriate

The panel will apply the **civil standard of proof** when considering the facts.

10.6 Outcomes of the Panel

Following its review, the panel may:

- **Uphold** the decision of the governing board not to reinstate the pupil;
- **Recommend** that the governing board reconsider its decision; or
- **Quash** the decision and direct the governing board to reconsider the decision

Where a decision is quashed, the governing board must reconvene to reconsider the case.

10.7 Reconsideration by the Governing Board

Where the panel directs or recommends reconsideration, the governing board must:

- Reconsider the decision within **10 school days**
- Have regard to the findings of the panel
- Notify the parent, the local authority, and other relevant parties of the outcome

Following reconsideration, the governing board may:

- Reinstate the pupil; or
- Uphold its original decision not to reinstate

10.8 Financial Consequences

Where a panel quashes a decision and directs the governing board to reconsider, and the governing board subsequently decides not to reinstate the pupil, the panel may order that the school pay a financial penalty in accordance with statutory requirements.

10.9 Finality of the Process

The decision of the governing board following reconsideration is final.

There is no further right of appeal, although parents may seek a judicial review if they believe the process was not lawful.

Section 11: Pupil Placement and Movement

11.1 Overview

Schools may use a range of approaches to support pupils whose needs cannot be met fully within their current setting.

Where placement or movement is considered, it must be carried out in line with statutory requirements and must not be used to avoid the proper use of suspension or permanent exclusion procedures.

Any arrangement must be:

- Clearly planned
- Appropriate to the pupil's needs
- In line with statutory guidance and legal duties

These arrangements may be considered as part of a school's overall approach to supporting pupils. They must not be used to delay or avoid a lawful permanent exclusion where the statutory threshold has been reached.

11.2 Alternative Provision

Alternative provision refers to education arranged for pupils who are unable to attend mainstream or special school settings in certain circumstances.

The use of alternative provision must be:

- Based on the individual needs of the pupil
- Clearly planned with defined objectives
- Time-limited where appropriate
- Subject to regular review

Alternative provision is a type of provision and does not, in itself, constitute a specific legal process.

The legal framework that applies will depend on the circumstances in which the provision is used.

11.3 Off-Site Direction

Off-site direction is where a pupil is required to attend provision at another setting on a temporary basis to improve behaviour.

Where a pupil remains on roll at their school and attends provision at another setting, this will usually constitute an **off-site direction**.

In these circumstances:

- Responsibility for the pupil remains with the school and its governing board
- The governing board must ensure that the placement is lawful and appropriate
- The placement must have clear objectives and a defined timescale
- Parents must be notified in writing. The written notification must include all information required under statutory guidance, including the reason for the placement, its duration, objectives, and practical arrangements.
- Arrangements must be in place for regular review

Off-site direction should be used in line with statutory guidance and should not be treated as a long-term or indefinite placement.

Where off-site direction involves placement at another school, the same requirements apply. Such arrangements must:

- Be temporary and time-limited
- Be based on a clear intervention plan
- Include a defined review process and intended outcome

Off-site direction must not be used as a means of trialling a permanent move or as an alternative to a managed move. Where the intention is for the pupil to transfer permanently, a managed move or other lawful admission process must be followed.

11.4 Managed Moves

A managed move is a voluntary agreement between schools, parents (or the pupil if over 18), and the receiving school for a pupil to transfer to another school on a permanent basis.

Managed moves:

- Must be agreed by all parties involved
- Result in the pupil being placed on roll at the receiving school
- Should be used as a preventative measure where appropriate

Managed moves must not be used as a means of avoiding a formal permanent exclusion.

Managed moves must operate within the framework of the [School Admissions Code \(2021\)](#) and must not be used to avoid or influence decisions relating to fair access or in-year admissions.

Schools must not refuse or delay admission of pupils in line with fair access processes on the basis of managed moves already agreed or undertaken.

11.5 Responsibility for Placement Decisions

Decisions relating to:

- Off-site direction
- Managed moves
- The use of alternative provision

remain the responsibility of the school and its governing board.

The local authority may:

- Provide advice
- Support coordination
- Facilitate access to provision

However, the local authority does not take on decision-making responsibility for placement arrangements unless required to do so under statutory duties.

11.6 Reintegration Following Placement

Where a pupil attends provision at another setting as part of an off-site direction, reintegration planning should support the pupil to re-engage with education, including a clear plan for return, and should be reviewed regularly to ensure it is effective.

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This should include:

- Clear expectations for return to school
- Ongoing review of progress
- Communication with parents and relevant professionals

Where reintegration is not appropriate, alternative lawful pathways must be followed.

11.7 Relationship to Removal from Roll

Attendance at alternative provision, including pupil referral units or other settings, does not in itself provide a lawful basis for removal from roll.

Requirements relating to removal from roll and the prevention of off-rolling are set out in **Section 12** of this protocol.

11.8 Avoiding Unlawful Practice

Schools must ensure that placement and movement arrangements do not constitute unlawful practice.

This includes:

- Using alternative provision as a substitute for exclusion without following statutory processes
- Encouraging parents to remove a child to avoid exclusion
- Allowing placement arrangements to continue without clear purpose, planning, or review

All placement arrangements must comply with statutory guidance and legal requirements.

11. 9 Placement Breakdown after a Permanent Exclusion

Where a placement in alternative provision or a pupil referral unit (PRU) cannot continue, this must be managed in line with statutory requirements.

Where a pupil has been permanently excluded and is placed by the local authority:

- The **local authority retains responsibility** for securing suitable full-time education
- The placement does not transfer responsibility for the pupil

If a placement cannot continue:

- The provider must notify the local authority **without delay**
- The reason for the placement ending should be made clear (for example, suspension, permanent exclusion, or withdrawal of placement)

Where a pupil is attending a PRU:

- Any decision to suspend or permanently exclude the pupil must follow **statutory exclusion processes**
- A permanent exclusion from a PRU constitutes a **new exclusion decision** and must be managed accordingly

Where a placement in alternative provision ends:

- This does not in itself constitute a suspension or permanent exclusion
- It must be treated as a **placement breakdown**, and alternative provision must be arranged

At all times pupils must not be left without suitable full-time education as a result of placement breakdown.

The local authority must ensure that appropriate arrangements are put in place **without delay**.

Section 12: Removal from Roll and Off-Rolling

12.1 Lawful Removal from Roll

A pupil's name must only be removed from the school admission register in accordance with education legislation.

In the context of exclusion, this will typically be where a **permanent exclusion has been completed in line with statutory requirements**, including:

- The headteacher's decision to permanently exclude
- Consideration by the governing board
- Completion of the statutory processes, including any review

Schools must ensure that all legal requirements relating to removal from roll are followed.

12.2 Off-Rolling

Off-rolling is the practice of removing a pupil from the school roll **without following the correct legal process**, or where it is primarily in the interests of the school rather than the pupil.

Off-rolling is not permitted.

Schools must not:

- Remove pupils from the roll without a lawful basis
- Encourage or pressure parents to remove their child from the school to avoid exclusion
- Use informal arrangements to avoid their statutory responsibilities

12.3 Removal from Roll and Alternative Provision

Where a pupil attends alternative provision on a temporary basis and remains on roll at the school, this does not provide a lawful basis for removal from roll.

In particular:

- Pupils attending provision under **off-site direction must remain on roll at their school**
- Attendance at a pupil referral unit or other alternative provision does not, in itself, change the pupil's roll status

12.4 Removal from Roll Following Cancellation of Exclusion

Where a suspension or permanent exclusion is cancelled, the pupil must be allowed to return to the school without delay.

In these circumstances:

- The pupil remains on roll at the school
- There is no lawful basis for removal from roll as a result of the cancelled exclusion

12.5 Elective Home Education

Parents have the right to withdraw their child from school for elective home education.

Where a pupil has been removed from roll for this purpose and no formal permanent exclusion has taken place, the case must not be treated as a permanent exclusion.

In such circumstances:

- The statutory duties relating to permanent exclusion do not apply
- Any future request for education provision must be considered under the appropriate legal framework

12.6 Ensuring Compliance

Governing boards and headteachers must ensure that decisions relating to removal from roll are:

- Lawful
- Transparent
- Properly recorded
- In accordance with statutory guidance and legislation

Failure to comply with legal requirements may result in unlawful practice and could be subject to challenge.

Section 13: Relevant Legislation and Guidance

13.1 Overview

This protocol should be read alongside relevant legislation and statutory guidance relating to behaviour, exclusion, safeguarding, attendance, and special educational needs and disabilities.

The documents listed below informed the development of this protocol and should be consulted where appropriate.

This is not an exhaustive list of all applicable legislation.

13.2 Primary Legislation

- [Education Act 1996](#)
- [Education Act 2002](#)
- [Education and Inspections Act 2006](#)
- [Children and Families Act 2014](#)
- [Equality Act 2010](#)

13.3 Regulations

- [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)
- Relevant [Alternative Provision regulations](#) (including updates effective from 1 September 2026)

13.4 Statutory Guidance

- **Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England (July 2026)**
<https://www.gov.uk/government/publications/school-exclusion>
- **Behaviour in Schools: Advice for headteachers and school staff**
<https://www.gov.uk/government/publications/behaviour-in-schools>
- **Keeping Children Safe in Education (KCSIE) – latest version**
<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
- **Working Together to Safeguard Children**
<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>
- **Working Together to Improve School Attendance (2024)**
<https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>
- **Mental Health and Behaviour in Schools**
<https://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2>
- **Special Educational Needs and Disability Code of Practice: 0 to 25 years**
<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

- **School Admissions Code (2021)**
<https://www.gov.uk/government/publications/school-admissions-code--2>
- **Restrictive interventions, including the use of reasonable force, in schools (effective from 1 April 2026)**
[Use of reasonable force in schools - GOV.UK](#)

13.5 Other Relevant Guidance

- **Alternative Provision: Statutory guidance and advice (including relevant regulations, updated 2026)**
<https://www.gov.uk/government/publications/alternative-provision>
- **Relationships Education, Relationships and Sex Education (RSE) and Health Education (statutory guidance)**
<https://www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education>
- **Elective Home Education: Guidance for local authorities and parents**
<https://www.gov.uk/government/publications/elective-home-education>
- Locally agreed guidance and protocols relating to inclusion, attendance, and alternative provision in Brent