



Northumberland County Council

School Exclusion Handbook

Guidance for Headteachers and
Governors on suspensions and
permanent exclusions



Northumberland
County Council



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DfE Guidance

1.1 The Northumberland School Exclusion Handbook is produced by the Local Authority from the DfE guidance, and it is important to refer to this when considering an exclusion or suspension and to ensure that all processes and procedures carried out are compliant with the guidance.

1.2 All decisions about suspensions and permanent exclusions should be made in compliance with statutory DfE guidance - [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement 2022](#).

1.3 Whilst it is acknowledged that in some instances, a permanent exclusion is the only course of action to be taken due to the nature of the event/incident, we want to ensure that everything possible has been done to avoid the exclusion of any young person from a Northumberland school and believe that exclusion should be used as a last resort. Early intervention is paramount, and as such, throughout this guidance, there are references to recommendations to consider alongside statutory responsibilities and expectations.

1.4 Where a pupil is at risk of a permanent exclusion, please inform exclusions@northumberland.gov.uk or call 01670 624889 where your concerns and options will be discussed with the School Admissions & Inclusion team.

Please note, this handbook is to be used in conjunction with the:
Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement.
Guidance for maintained schools, academies, and pupil referral units in England, September 2022.



1. RATIONALE

School policies

1.5 The [Children and Families Act 2014](#) and the supporting [SEND Code of Practice](#) make it very clear that early year's settings, schools and colleges have to meet the needs of all children and young people with SEND, including those who do not have an Education, Health and Care (EHC) Plan. This includes young people who are experiencing social, emotional and mental health difficulties. Where a robust whole school approach to implementing the "Assess, Plan, Do, Review" cycle is in place, any additional needs will be identified as early as possible and effective support put in place to support the young person to learn and to prevent exclusion.

1.6 A whole school behaviour policy needs to be in place which provides guidance to staff, young people, parents and carers on promoting positive behaviour in school. The procedures and guidance within the policy need to outline the consistent, whole school approach to the management of behaviour in school. The school's behaviour policy should be fully informed by the school's SEND, safeguarding, anti-bullying, equalities, attendance and teaching and learning policies.

1.7 Settings should also consider their duties to looked after children and schools should also take steps to avoid the exclusion of previously looked after children who have left care via adoption, special guardianship or child arrangement order. [The Designated Teacher for Looked after and previously Looked after Children DfE February 2018](#) and [Promoting the Education of Looked After Children February 2018](#).

Due regard should also be made to the [DfE guidance on promoting the education of children with a social worker 2022](#).

Role of the Local Authority

1.8 The Local Authority is responsible for ensuring that statutory obligations are upheld at each stage of the exclusion process, working with schools to ensure fairness, consistency and transparency leading to positive outcomes and destination for each pupil going through this process.

Resource A: [COVID-19 School Behaviour Policy Modification](#)



2. PREVENTING EXCLUSIONS

Early intervention

2.1 As part of early intervention, settings should conduct further assessment of any potential underlying learning or social, emotional or mental health needs being experienced by the young person through the organisation's SEND and/or Early Help processes.

When the absence patterns and/or behaviour of any pupil begins to cause concern education settings should not only deal with the specific incident that has occurred but should also respond with curiosity to identify any underlying needs. Appropriate steps can then be taken to provide support through a strengths-based approach with the pupil, their parents/carers, members of the staff team and, where appropriate, other professionals.

Ladder of support

2.2 The Ladder of Support, in line with recommendations and legislative guidance taken from Intervention [Keeping Children Safe in Education \(2022\)](#), the [DfE Exclusion Guidance \(2022\)](#) and the [SEND Code of Practice \(2015\)](#), provides a clear focus and tiered approach to supportive interventions, for use with all children to foster an approach of reducing exclusion and increasing holistic early interventions.

This approach is inclusive of need or circumstance, and should be applied with consistency, whilst taking into account specific needs such as, but not limited to, Special Educational Needs (SEND), Looked After Children (LAC), previously Looked After Children and/or children with a social worker who are receiving free school meals (FSM) and children evidencing Social, Emotional, Mental Health (SEMH).

2.3 The Ladder of Support is needs-led and defined by the child and their families in collaboration with professionals with an emphasis on shared decision-making

2.4 The aims of the Ladder of Support are to:

- Increase the capacity for schools to meet the needs of all children; preventing those whose needs can be met in mainstream school from attending alternative provision or special schools and to reduce school exclusion
- Facilitate a multi-agency approach to promote inclusion and understanding and reduce the need for exclusion and achieve the best outcome for the child
- Ensure flexible assessments to identify the needs of children and families and provide a personalised offer based on individual needs
- Encourage children and young people's aspirations and feedback drive intervention and support

See Appendix 1: [Ladder of Support steps explained](#)

2. PREVENTING EXCLUSIONS

PRU

2.5 KS3 and 4 pupils at risk of a permanent exclusion may benefit from a preventative place at the PRU. All requests are reviewed by the Inclusion Panel. To support your request, the information passport (**Resource B: [Passport](#)**) will be required and must include:

- Current end of year expectation
- Attendance data over time
- Numerical analysis of collated incidents in previous term/ year
- Provision map (including recommendations/impact over time based on these recommendations)
- Evidence of a 'Graduated Approach'
- Reports from other involved professionals

Primary Support Bases

2.6 Primary aged pupils at risk of a permanent exclusion may benefit from a preventative place in one of our 'Primary Support Bases'. All requests are reviewed by the Inclusion Panel (**Resource C: [Inclusion Panel Policy](#)**). To support your request, the information passport (**Resource B see above**) will be required and must include:

- Current end of year expectation
- Attendance data over time
- Numerical analysis of collated incidents in previous term/year
- Provision map (including recommendations/impact over time based on these recommendations)
- Evidence of a 'Graduated Approach'
- Screening Tool
- Early Help Assessment
- Reports from other involved professionals

Alternative Provision

2.7 Schools can commission places in alternative provision settings independently, however the Local Authority has developed the Inclusion Panel (Resource C) as a forum for all PRU, Primary Support Bases and AP referrals to be discussed. If placements are agreed via the panel, there is the option of financial support where necessary.

The Local Authority has a framework of alternative education providers for permanently excluded learners. Schools can use the catalogue for reference but if they choose to commission a place in any AP setting for a student, they must refer to the requirements within the Ofsted framework re: safeguarding and monitoring outcomes.

Resource D: [Alternative Provision Catalogue](#)

Managed Moves

2.8 A managed move is an alternative to exclusion which a Head teacher might use in response to serious and/or persistent breaches of behaviour policy. These include managed moves to another school to enable the student to have a fresh start. Pupils suitable for a managed move are those who are vulnerable to educational failure and for whom it is even more important that any move of school/academy takes place quickly.

In Northumberland managed moves are typically agreed by the Fair Access Panel and support is provided by the Inclusion Team to ensure the young person is given every opportunity for success.

Resource E: [Early Help Assessment](#)

Resource F: [Screening Tool](#)

Toolkit G: [Voice of the Child methodology-within Graduated Approach Guidance \(Graduated Approach Guidance\)](#)

Resource H: [Student Support Action Plan-within Graduated Approach Guidance \(Graduated Approach Guidance\)](#)

Resource I: [NCC Managed Move Protocol \(MM Protocol\)](#)

Resource J: [Fair Access Protocol \(FAP\)](#)

Looked After Children

2.9 Please note that if the child who is at risk of exclusion is looked after you should send an email to exclusions@northumberland.gov.uk or call 01670 624889 and also contact the Virtual School Head from the Local Authority which is responsible for the young person's care.

If the young person is in the care of Northumberland, you should contact the Northumberland Virtual School at via eslac.info@northumberland.gov.uk or 01670 622779. In all circumstances you should contact the Virtual School at the earliest signs of difficulty and The Virtual School will work with you to discuss the young person's needs and how they can be met whilst preventing the need for a permanent exclusion.

It is Northumberland's policy not to permanently exclude or use managed moves with looked after children.

3. SCHOOL EXCLUSION

Permanent Exclusions & Suspensions

3.1 Exclusion is the final option following the interventions to prevent this having been unsuccessful and as such, allowing the child to remain in school would be detrimental to their education and/welfare, or that of others. Exclusion must be used for disciplinary matters only and recorded as such. There are two types of exclusion; suspension and permanent exclusion and both have their own process to follow.

3.2 Any decision of a school, including exclusion/suspension, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the [European Convention on Human Rights and the Equality Act 2010](#)); rational; reasonable; fair; and proportionate.

3.3 The decision on whether to exclude/suspend is for the head teacher to take. However, where practical, the head teacher should give the pupil an opportunity to present their case before taking the decision to exclude/suspend. The head teacher must take account of their legal duty of care when sending a pupil home following an exclusion/suspension.

3.4 When establishing the facts in relation to an exclusion/suspension decision the head teacher 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 reasonable doubt.' This means that the head teacher should accept that something happened if it is more likely that it happened than that it did not happen.

3.5 Under the [Equality Act 2010](#) (the Equality Act), schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices and the provision of auxiliary aids.

3.6 The head teacher and governing board must comply with their statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the [SEND Code of Practice](#).

3.7 As well as having disproportionately high rates of exclusion/suspension, there are certain groups of pupils with additional needs who are particularly vulnerable to the impacts of exclusion/suspension. This includes pupils with EHC plans and looked after children. The headteacher should, as far as possible, avoid permanently excluding any pupil with an EHC plan or a looked after child.

3.8 Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to looked after children, schools should cooperate proactively with foster carers or children's home workers, the local authority that looks after the child and the local authority's virtual school head.

3.9 It is unlawful to exclude for a non-disciplinary reason. 'Informal' or 'unofficial' exclusions, such as sending a pupil home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.

3.10 Maintained schools have the power to direct a pupil off-site for education to improve their behaviour. A pupil at any type of school can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents and the admission authority of the school. However, the threat of exclusion must never be used to influence parents to remove their child from the school.

When headteachers suspend or permanently exclude a pupil they must, without delay, notify parents. Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the headteacher must now, also without delay after their decision, notify the social worker and/or VSH, as applicable.

When headteachers suspend or permanently exclude a pupil, they must also notify the local authority, without delay. Legislative changes mean that this must be done regardless of the length of a suspension.

3. SCHOOL EXCLUSION S

Suspension only

3.11 Suspensions should be as short as possible with research suggesting that 1-3 days are often long enough to secure the benefits of suspension without adverse consequences.

3.12 Suspensions of more than 15 days within a school year (cumulative) are automatically subject to review by the governing body. If the pupil is excluded for a further fixed-period following the original exclusion, or is subsequently permanently excluded, the headteacher should inform parents without delay and a new exclusion notice be issued.

3.13 A suspension does not have to be for a continuous period.

3.14 A pupil cannot be suspended for more than 45 school days in any one school year. If the suspension brings the cumulative number of days to 16 days within a term a governor's review panel/sub-committee is required. If the suspension would result in the pupil missing a public examination or national curriculum test, for a cumulative total of 6-15 days in a term a governor's review panel/sub-committee is only required if a parent requests it.

3.15 Pupils whose behaviour at lunchtimes is disruptive may be suspended during the lunchbreak. Headteachers still have a legal requirement to inform parents. Lunchtime suspensions are counted as half a school day for statistical purposes and in deciding whether a governing body meeting is required. It is good practice that where a pupil is entitled to free school meals, the school should make arrangements to provide a meal (such as a packed lunch).

3.16 The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.

3.17 For a suspension of more than five school days, the governing board (or local authority in relation to a pupil excluded from a PRU) must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the suspension.

Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion/suspension.

Permanent Exclusion Only

3.18 For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion. This will be the pupil's 'home authority' in cases where the school is maintained by (or located within) a different local authority.

3.19 Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of an exclusion, the school should take reasonable steps to set and mark work for the pupil. Work that is provided should be accessible and achievable by the pupil outside school. In the case of a looked after child, the school and the local authority should work together to arrange alternative provision from the first day following the exclusion.

Resource K: [How to Record an Exclusion](#)

Resource B: [Permanent Exclusion Reporting Form](#)

Resource L: [Information on Attendance Codes](#)

Resource M: [Model Exclusion Letters](#)



3. SCHOOL EXCLUSION s

Role of the Governors Review Panel/Sub-Committee/Academy Trust

3.20 The role of the governing body is to review whether the headteacher's decision was lawful, reasonable and fair. This review will involve the following considerations, in the context of the DfE Guidance on Exclusions, appropriate school policies, any representations made and the circumstances of the excluded pupil, especially if they have an Education Health and Care Plan, are a Looked After Child or have a Social Worker.

Where an allegation of misconduct against the pupil is in dispute, the standard of proof is the balance of probabilities (it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt').

Whether correct procedure was followed – a decision should not be overturned on a technical defect unless the process was so flawed that justice was clearly not done.

Whether the exclusion was proportionate (fair and justified).

3.21 The panel must balance the interest of the excluded pupil against the interests of all other members of the school community.

3.22 The following two tests of the headteachers decision to exclude are referred to in the statutory guidance:

- Has the headteacher demonstrated that their decision to exclude the pupil is in response to a serious breach, or persistent breaches, of the school's behaviour policy?
- Has the headteacher demonstrated that allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school?

3.23 The appointed governors, clerk and chair should not have prior knowledge of the details of the case but should have a good understanding of the [DfE Statutory Exclusions Guidance](#), the [Equality Act 2010](#) and the School Behaviour Policy. Further information and guidance are available on the National Governance Association Website (available to NGA members only) and there is a list of organisation's and consultants who can provide exclusions training and advice to governors in the Accredited Provider List of Governor Training which is available via the School Governance Team.

3.24 Where an exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for a governing board. It must, so far as is reasonably practicable, consider the exclusion before the date of the examination or test. If it is not practicable for a sufficient number of governors to consider the decision before the examination or test, the chair of governors, in the case of a maintained school may consider the exclusion alone and decide whether or not to reinstate the pupil. In the case of an academy the exclusion may be considered by a smaller sub-committee if the trust's articles of association allow them to do so. In such cases, parents still have the right to make representations to the governing board and must be made aware of this right.

3.25 The governing body cannot:

- Extend a suspension
- Change a permanent exclusion into a suspension

Composition of the Governors Review Panel/Sub-Committee - Maintained schools

3.26 A governing body of a maintained school may delegate this function to a subcommittee made up of a minimum of three governors. The headteacher, the parents (and, where requested, a representative or friend) and a representative of NCC should be invited (in the case of maintained schools and the PRU). In the case of a looked after child, a social worker may also be present.

Composition of the Governors Review Panel/Sub-Committee - Academy Trusts

3.27 Academy trust boards may also delegate this function if their articles of association for this. Although a representative from MCC is not required, this can be arranged by emailing exclusions@northumberland.gov.uk and parents should be informed of their right to make representations.

Procedure at the Governors' Review Panel/Sub Committee

3.28 The Governors' Meeting or Sub-Committee to consider an exclusion must be clerked by a suitably qualified and experienced clerk/ professional who is able to provide procedural advice if required. The governing body should ensure that all parties are supported to participate and have their views properly heard. This can be achieved by adopting a procedure such as the one suggested below.

Requesting and circulating Papers

3.29 Clerk/ other person must request written statements in advance of the meeting including:

- Headteacher report and witness statements
- Parent submission

These should arrive with the clerk/ other person no later than 7 school days before the Governors' Meeting.

Please note-If the pupil has a Social Worker, they must be invited the review meeting. If the pupil is LAC, a representative from the Virtual School must be invited.

3.30 The clerk/ other person should circulate all these papers to the head teacher, parent of the excluded pupil, and the LA representative (if relevant) at least 5 days before the meeting. Clerking the Governors' Review Panel/Sub Committee

3.31 It is important that the Governors' Review Panel/Sub Committee to review exclusions is run efficiently, fairly and within the processes outlined in the [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools academies, and pupil referral units in England](#).

3.32 It is therefore important that a suitably qualified and experienced clerk/professional is appointed, who can provide procedural advice if required and play a central role in the planning and organisation. This includes a record of clear minutes of the Governors' Review Panel/Sub Committee which should be available to all parties on request.



4. INDEPENDENT REVIEW PANELS

4.1 An Independent Review Panel (IRP) is held after a permanent exclusion if a parent lodges an appeal no later than the 15th school day after receipt of the decision letter from the governors meeting that considered the exclusion.

Who runs the Independent Review Panel?

4.2 The Independent Review Panel for maintained schools is run by the Independent Education Appeals Service for Northumberland, based within the Local Authority's Democratic Services and County Solicitor's office. Academy Trusts may make their own arrangements for an independent review panel.

4.3 In Northumberland the LA independent review panel is a three-member panel comprising: a lay member (Chair), a school governor (or ex-governor), and a head teacher (or recently serving head teacher).

4.4 If requested by parents, in their application for the review, the local authority/ Academy Trust must appoint a SEN expert to attend the review panel (whether or not the child has recognised special educational needs). The Local Authority has a retired Special School Head teacher and a retired Behaviour Support Manager who can act as SEN experts at the independent review panel.

The Virtual School Head teacher and Social Worker for LAC pupils should be invited to the meeting. Similarly, if the pupil is not LAC but has a Social Worker, they should also be invited to the meeting.

The focus of the social worker's advice should be on whether the pupil's welfare, safeguarding needs and risks were considered in the lead up to the permanent exclusion. If the social worker believes that this was not the case, they should, where possible, advise the panel on the contribution that the pupil's needs could have made to the circumstances of the pupil's permanent exclusion.

The focus of the VSH role for any LAC should be on helping the panel consider whether the child's background and educational needs were considered by the headteacher in the lead up to the permanent exclusion, including whether any additional support to the pupil could be provided to improve their behaviour and avoid exclusion where possible. If the VSH believes that this was not the case, they should, where possible, advise the panel on the contribution that the pupil's needs could have made to the circumstances of the pupil's permanent exclusion.

What issues will the Independent Review Panel consider?

4.5 The panel's role is to review the decision not to reinstate a permanently excluded pupil

4.6 The panel 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

4.7 The jurisdiction of the First-tier Tribunal (Special Educational Needs and Disability) and County Court to hear claims of discrimination relating to permanent exclusion does not preclude an IRP from considering issues of discrimination in reaching its decision.

Possible decisions of an Independent Review Panel

4.8 Following its review the panel can decide to:

- Uphold the exclusion decision
- Recommend that the governing body reconsiders their decision
- Or quash the decision and direct that the governing body considers the exclusion

4.9 The panel may only quash the decision where it considers that it was flawed when considered in the light of the principles applicable on an application for judicial review (illegality, irrationality, procedural impropriety).

4.10 Where a panel directs a governing body to reconsider an exclusion it has the power to order that a readjustment of the school's budget in addition to any funding that would normally follow an excluded pupil - if the governing body does not offer to reinstate the pupil within 10 school days.

Following an Independent Review Panel

4.12 Parents whose children have special educational needs and who think the exclusion relates to this and as such, disability discrimination has occurred, [the parent has the right to appeal, and/or make a claim, to the First Tier Tribunal.](#)

4.13 An appeal can be made if the local authority:

- Refuses to secure an EHC needs assessment of the child's special educational needs, following a request by the parents or the educational provision
- Refuses to secure an EHC plan, after concluding an EHC needs assessment
- Refuses to arrange a reassessment of the child's special educational needs (following a request by the parent or child's school) if the local authority has not made an assessment for at least six months
- Decides to stop maintaining the child's EHC plan
- Decides not to replace or amend the EHC plan following a review
- Decides not to change the EHC plan after reassessing the child or
- Has made an EHC plan or has amended or replaced a previous EHC plan and you disagree with one or all of the following:
 - o The part which describes the child's special educational needs
 - o The part which sets out the special educational provision (help) that the local authority thinks the child should receive
 - o The educational provision or type of educational provision named in the EHC plan
 - o The local authority not naming a school in the EHC plan





5. REMOVAL OF A PUPIL FROM THE SCHOOL ROLL

5.1 If a permanent exclusion is confirmed, the pupil's name should be removed from the school roll, on the school day, after the appeal panel's confirmation of permanent exclusion, on expiry of the time allowed for appeals to be made, if the pupil takes up a place elsewhere, or after the parent confirms in writing that they do not intend to appeal.

Redetermination of budgets where pupils have been excluded

5.2 NCC follow the Department of Education (DfE) guidance on the recoupment of funds from schools where pupils have been excluded. Recoupment of funding will be actioned following the final decision, either:

- The 15th school day after the governing body/discipline committee or
- After the independent review panel (if parent/carer request an independent review following the governing body/discipline committee)

5.3 This is calculated based on the relevant pupil related funding rates from the 'relevant date', which is the 6th day following the date of a permanent exclusion.

6. UNPRECEDENTED CIRCUMSTANCES

6.2 In such circumstances, whilst the timeframes set out in the [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England](#), including pupil movement Guidance for maintained schools, academies, and pupil referral units in England may remain in force, it may not be possible to meet the timeframes set out in regulations for review meetings and IRPs, due to any disruption caused. The regulations themselves envisage that the timeframes may not always be met, which is why they specify that meetings and panel hearings must still go ahead even if the relevant deadline has been missed.

6.3 In such cases, the inclusion team should be consulted to agree on any adopted measures put into place by the school concerned. Governing boards and arranging authorities should continue to take reasonable steps to ensure meetings are arranged for a time when all parties are able to attend.

6.4 In cases of central government intervention, the local authority will co-ordinate a county-wide response to school exclusions in such circumstances and will agree appropriate steps that ensure compliance with the regulations and will liaise with the Department of Education accordingly.

Resource N: [Exclusion Process on-a-page](#)

6. UNPRECEDENTED CIRCUMSTANCES

6.1 Following the impact on schools and school policy following COVID-19, it is appropriate to recognise that there are, at times, unprecedented circumstances that may impact on normal processes.

These circumstances are not always identified by central government, and can allude to specific school or family-related challenges that impact on normal processes being implemented.

7. CONTACT DETAILS

Risk of permanent exclusion
Exclusion guidance
Independent Review Panel
PRU
Virtual School
SEND

exclusions@northumberland.gov.uk
exclusions@northumberland.gov.uk
exclusions@northumberland.gov.uk
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