The Lotus Academy Trust

Supporting children to find opportunities in every difficulty

The Damara School

Specialist SEMH Independent School

Exclusion/Cessation of Placement Policy

Approved by: Trust Board	
Initial Ratification: August 2019	**Reviewed:** Oct 20; Oct 21; Feb 23, Nov 2025, Nov 2026
Next review due by: November 2027	

1. Aims

Our school aims to ensure that:

- The suspension or cessation of placement process is applied fairly and consistently
- The suspension or cessation of placement process is understood by trustees, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

2. Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England (2023).

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Keeping Children Safe in Education 2025
- The Equality Act 2010

In addition, the policy is based on:

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

This policy complies with our articles of association.

Safeguarding Context: All decisions regarding suspension or cessation of placement will be made with safeguarding as the paramount consideration, in line with our duties under Keeping Children Safe in Education 2025. We recognise that safeguarding and promoting the welfare of children is everyone's responsibility.

Equality Duty: The school will comply with the Equality Act 2010 and have particular regard to the Public Sector Equality Duty when making decisions about suspension or cessation of placement. We have carefully considered the impact of this policy on pupils with protected characteristics, particularly those with special educational needs and disabilities (SEND).

3. The Decision to Suspend or Cease a Placement

3.1 Authority to Make Decisions

Only the Chief Executive Officer (CEO), acting in their capacity as the designated senior leader with responsibility for pupil discipline, can suspend a pupil or initiate the cessation of a commissioned placement.

Note: The CEO holds delegated authority from the Trust Board to make these decisions, as documented in the Trust's Scheme of Delegation.

3.2 Context of Commissioned Placements

The Damara School operates as a specialist SEMH independent school where placements are commissioned by local authorities through Education, Health and Care Plans (EHCPs). Unlike mainstream schools, we cannot permanently exclude pupils in the traditional sense. Instead, where a placement becomes untenable, we work with the commissioning local authority to cease the placement.

3.3 Our Commitment

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

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

We are committed to:

- Following all statutory suspension procedures
- Working collaboratively with local authorities when placement breakdown occurs
- Ensuring every decision is made in the best interests of the child
- Never removing a pupil from roll without proper process and alternative provision secured
- Recognising that under Ofsted's 2025 inspection framework, our approach to inclusion will be scrutinised as a standalone evaluation area

3.4 When Suspension May Be Used

A decision to suspend a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, and
- If allowing the pupil to remain in school would seriously harm the education or welfare of others or the pupil themselves

3.5 When Cessation of Placement May Be Considered

Cessation of placement is an absolute last resort and will only be considered when:

- All reasonable adjustments and support strategies have been exhausted
- The placement has irretrievably broken down
- The pupil's needs cannot be met within our specialist provision
- Continuing the placement would pose serious risk to the pupil, other pupils, or staff

3.6 Decision-Making Process

Before deciding whether to suspend a pupil or initiate cessation of placement, the CEO will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the decision were provoked
- Allow the pupil to give their version of events
- Consider the pupil's Education, Health and Care Plan (EHCP) and how their SEND needs may have contributed to the behaviour
- Assess whether the behaviour is a manifestation of the pupil's SEMH needs
- Consider whether any additional support, adjustments, or interventions could prevent the need for suspension or placement cessation

- Consult with relevant staff, including the SENDCO and any external professionals involved with the pupil
- Consider the pupil's safeguarding needs and ensure any decision does not place the pupil at risk
- Review any relevant risk assessments and behaviour support plans
- Consider the impact on the pupil's mental health and wellbeing

3.7 SEND and Mental Health Considerations

Given our specialist SEMH context, particular consideration will be given to:

- Whether the behaviour is directly linked to the pupil's diagnosed SEMH needs
- Whether the pupil's EHCP requires amendment to better meet their needs
- Whether additional therapeutic or mental health support could prevent placement breakdown
- The potential impact of suspension or placement cessation on the pupil's mental health
- Whether the behaviour indicates a safeguarding concern or unmet need

3.8 Process for Cessation of Placement

When a decision to cease a placement is made:

An emergency EHCP review will be convened immediately with all relevant stakeholders, including:

- The commissioning local authority
- Parents/carers
- The pupil (where appropriate)
- Educational psychologist
- Social worker (if applicable)
- Any other relevant professionals

This review will be held at the point of risk and prior to finalisation of the cessation

The review will:

- Assess the reasons for placement breakdown
- Identify the pupil's current needs
- Explore whether any adjustments could maintain the placement
- If cessation is unavoidable, plan alternative provision
- Ensure continuity of education and support

4. Definition of Terms

4.1 School Day

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

4.2 Suspension

A suspension is when a pupil is temporarily removed from the school for a fixed period. This was previously known as a "fixed-period exclusion." A suspension can be for part of a school day or for one or more whole school days.

4.3 Cessation of Placement

Cessation of placement refers to the process by which a commissioned placement at The Damara School is ended due to irretrievable breakdown. This is distinct from permanent exclusion in mainstream schools, as our placements are commissioned through EHCPs and require local authority involvement to secure alternative provision.

4.4 Off-Rolling

Off-rolling is the unlawful practice of removing a pupil from the school roll without following proper procedures, primarily in the school's interests rather than the pupil's best interests.

5. Roles and Responsibilities

5.1 The CEO

5.1.1 Informing Parents

The CEO will immediately provide the following information, in writing, to the parents of a suspended pupil or where placement cessation is being initiated:

For Suspension:

- The reason(s) for the suspension
- The length of the suspension
- Information about parents' right to make representations about the suspension to the Trust Board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Trust Board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The CEO will also notify parents by the end of the afternoon session on the day their child is suspended that for the first 5 school days of a suspension, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

For Cessation of Placement:

- The reason(s) for the proposed cessation of placement
- That an emergency EHCP review will be convened
- The date, time and location of the emergency EHCP review
- Information about parents' right to make representations about the decision to the Trust Board
- How any representations should be made
- That parents have a right to attend the EHCP review and Trust Board meeting, be represented (at their own expense) and to bring a friend
- Information about the process for securing alternative provision through the local authority
- That the pupil will not be removed from roll until alternative provision is confirmed

5.1.2 Informing the Trust Board and Local Authority

The CEO will immediately notify the Trust Board and the commissioning local authority (LA) of:

- Any suspension which would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension which would result in the pupil missing a public examination or national curriculum test
- Any proposal to cease a placement, including when a suspension is followed by a decision to initiate placement cessation
- The convening of an emergency EHCP review related to placement breakdown

For a cessation of placement, if the pupil lives outside the LA in which the school is located, the CEO will also immediately inform the pupil's 'home authority' without delay.

For all other suspensions (5 days or fewer in a term), the CEO will notify the Trust Board and commissioning LA within 24 hours.

5.1.3 Record Keeping

The CEO will ensure that:

- All decisions regarding suspension or cessation of placement are fully documented
- Records include the reasons for the decision, evidence considered, and any mitigating factors
- Records of SEND considerations and EHCP reviews are maintained
- All records are stored securely in accordance with GDPR and the Data Protection Act 2018
- Records are retained in line with the school's retention schedule (typically until the pupil reaches age 25 for SEND records)

5.2 The Trust Board

The Trust Board has a duty to consider the reinstatement of a suspended pupil and to review decisions regarding cessation of placement (see section 6).

Within 14 days of receipt of a request, the Trust Board will provide the Secretary of State information about any suspensions or cessation of placements in the last 12 months.

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

For cessation of placement:

The Trust Board will:

- Review the CEO's decision and the circumstances leading to placement breakdown
- Ensure proper process has been followed, including the emergency EHCP review
- Consider whether all reasonable steps were taken to maintain the placement
- Ensure the decision was made in the pupil's best interests

5.3 The Local Authority

For suspensions:

- For suspensions of more than 5 school days, the commissioning local authority is responsible for working with the school to arrange suitable full-time education to begin no later than the sixth day of the suspension.

For cessation of placement:

The commissioning local authority is responsible for:

- Attending the emergency EHCP review
- Assessing the pupil's needs and identifying appropriate alternative provision
- Arranging suitable full-time education
- Ensuring continuity of support and services
- Amending the EHCP to reflect the new placement
- Ensuring the pupil is not left without provision

5.4 Parents/Carers

Parents/carers have the right to:

- Be informed immediately of any decision to suspend or cease placement
- Make representations to the Trust Board
- Attend and participate in EHCP reviews

- Be accompanied by a friend or representative at meetings
- Request an independent review panel (for suspensions meeting certain criteria)
- Appeal to the First-tier Tribunal (SEND) if they disagree with the amended EHCP

Parents/carers have a responsibility to:

- Ensure their child is not in a public place during school hours for the first 5 days of a suspension (unless there is good reason)
- Engage with the EHCP review process
- Work collaboratively with the school and local authority to secure appropriate provision

6. Considering the Reinstatement of a Pupil or Review of Placement Cessation

6.1 When the Trust Board Must Meet

The Trust Board will consider the reinstatement of a suspended pupil within 15 school days of receiving notice of the suspension if:

- It is a suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term
- It would result in a pupil missing a public examination or national curriculum test
- If requested to do so by parents, the Trust Board will consider the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension if the pupil would be suspended from school for more than 5 school days, but less than 15, in a single term.

6.2 When the Trust Board Must Review Cessation of Placement

The Trust Board will review a decision to cease a placement within 15 school days of the emergency EHCP review if:

- Parents request a review
- The local authority requests a review
- The Trust Board determines a review is necessary

6.3 The Review Process

The trustees of the Trust Board can either:

For suspension: Decline to reinstate the pupil, or direct the reinstatement of the pupil immediately, or on a particular date

For cessation of placement: Uphold the decision, or require the CEO to reconsider and explore further options to maintain the placement

In reaching a decision, the Trust Board will consider whether the suspension or cessation decision was lawful, reasonable and procedurally fair and whether the CEO followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision.

The Trust Board will specifically consider:

- Whether the pupil's SEND needs were fully considered
- Whether the EHCP was taken into account
- Whether reasonable adjustments were made
- Whether the behaviour was a manifestation of the pupil's SEMH needs
- Whether all support strategies and interventions were exhausted
- Whether safeguarding considerations were addressed
- Whether the decision complies with the Equality Act 2010
- Whether the decision was in the pupil's best interests

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

The Trust Board will notify, in writing, the CEO, parents and the commissioning LA of its decision, along with reasons for its decision, without delay.

6.4 Notification of Cessation of Placement Decision

Where cessation of placement is upheld, the Trust Board decision will also include the following:

- The fact that the placement is being ceased
- The reasons for the decision
- Confirmation that an emergency EHCP review has been held
- Notice of parents' right to appeal to the First-tier Tribunal (SEND) regarding the amended EHCP
- Notice of parents' right to request an independent review panel, and:
- The date by which **an appeal must be lodged with the First-tier Tribunal (SEND) - this must be within 2 months of the date the local authority sends the amended EHCP to parents**

7. An independent review

If parents apply for an independent review, the trust will arrange for an independent panel to review the decision of the trust board not to reinstate a pupil whose placement was ceased.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the trust board of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the trust board and 2 members will come from the school senior leadership category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School trustees who have served as a trustee for at least 12 consecutive months in the last 5 years, provided they have not been teachers, CEO or Head of School during this time
- CEO or individuals who have been a CEO within the last 5 years

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

- Are a director of the trust, or trust board of the school from which the pupil is on roll
- Are the Head of School of the school from which the pupil is on roll, or have held this position in the last 5 years
- Are an employee of the academy trust, or the trust board, of the school from which the pupil is on roll (unless they are employed as a CEO at another school)
- Have, or at any time have had, any connection with the academy trust, school, trust board, parents or pupil, or the incident leading to the suspension or cessation of placement, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the trust board’s decision
- Recommend that the trust board reconsiders reinstatement
- Quash the trust board’s decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

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

8. School registers

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

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

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

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

9. Returning from a fixed-term exclusion or suspension

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

The following measures may be implemented when a pupil returns from a fixed-term exclusion or suspension:

- Agreeing a behaviour contract and putting a pupil 'on report'

10. Monitoring arrangements

The administrator monitors the number of suspensions or cessation of placement every term and reports back to the CEO.

This policy will be reviewed by the CEO every year. At every review, the policy will be approved by the Trust board.

11. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEND policy and information report

Appendix 1: Independent review panel training

The Trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance trust suspensions or cessation of placement, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making

- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of CEO, trust boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act