



## SUSPENSION AND PERMANENT EXCLUSION POLICY

Date written: July 2018

Reviewed: February 2023

To be reviewed: February 2026

### Statement of intent

At The Pioneer Academy, we understand that good behaviour and discipline is essential for promoting a high-quality of education.

Amongst other disciplinary sanctions, the school recognises that permanent exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending and excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of others; in all cases, suspending or excluding pupils should only be used as a means of last resort.

The school has created this policy to clearly define the legal responsibilities of the Head Teacher, School Board and LA when responding to pupil suspensions and permanent exclusions, in order to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

This policy also aims to secure a pupil's right to an education despite having been suspended excluded, by ensuring that appropriate arrangements are in place.

A “**suspension**” is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.

An “**permanent exclusion**” is defined as a permanent removal of a pupil from the school, 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 pupils or staff in the school.

### Legal framework

This policy has due regard to the related statutory legislation, including but not limited to, the following:

- Education Act 1996
- The Education Act 2002
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- The European Convention on Human Rights (EHCR)
- The Equality Act 2010

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2022) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement
- DfE (2022) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

This policy will be implemented in conjunction with the following school policies and procedures:

- Behaviour Policy
- Anti-Bullying Policy
- SEND Policy
- Child Protection and Safeguarding Policy

### **Roles and responsibilities**

The LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing pupils' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.
- Arranging the hearing without delay at a time, date and venue convenient for all parties.
- Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

The trust is responsible for:

- Arranging for an independent review panel hearing to review the decision of the School Board not to reinstate a permanently excluded pupil where required.

The School Board is responsible for:

- Providing information to the Secretary of State and LA about any suspensions and permanent exclusions within the last 12 months.
- Arranging suitable full-time education for any pupil of compulsory school age who is suspended, where required.
- Considering parents' representations about suspensions and permanent exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where a suspension or permanent exclusion would result in a pupil missing a public examination or test, considering the suspension or permanent exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of pupils.

- Considering the interests and circumstances of the suspended or excluded pupil, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the school.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or permanent exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's parents, the Head Teacher and the LA of its decision and the reasons for it, without delay.
- Appointing a clerk to provide advice to the relevant panel and parties to the review on procedure, law and statutory guidance on suspensions and permanent exclusions.
- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the suspensions and permanent exclusions review panel.
- Using data to evaluate the school's practices regarding intervention, suspension and permanent exclusion.

The clerk to the suspensions and permanent exclusions review panel is responsible for:

- Informing the appropriate individuals that they are entitled to:
  - Make written representations to the panel.
  - Attend the hearing and make oral representations to the panel.
  - Be represented.
- Circulating copies of relevant papers at least five school days before the review to all parties.
- Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel within the timeframe of the policy.

The Head Teacher is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions and permanent exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension or permanent exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the suspension or permanent exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and permanent exclusions as sanctions, e.g. if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, those eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be suspended or excluded on disciplinary grounds.
- Withdrawing any suspensions or permanent exclusions that have not been reviewed by the School Board, where appropriate.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a pupil.

- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension or permanent exclusion.
- Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a pupil's parents without delay where the decision is taken to suspend or exclude the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the governor responsible and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the School Board once per term of any permanent exclusions in the Head Teacher's report to governors.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged.

### **Grounds for suspension or permanent exclusion**

The school will only suspend or exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour Policy, have failed to be successful.

The following examples of behaviour may warrant the decision to suspend or exclude a pupil:

- Physical assault against a pupil
- Physical assault against an adult
- Bullying
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Discriminatory abuse, eg Racist, homophobic, biphobic, transphobic or ableist abuse

Pupils can be suspended on a fixed period basis, i.e. up to 45 school days within a year, or permanently excluded. Similarly, pupils can be permanently excluded following a suspension, where further evidence is presented.

In all cases, the Head Teacher will decide whether a pupil will be subject to a suspension or a permanent exclusion, depending on what the circumstances warrant.

### **The Head Teacher's power to suspend and permanently exclude**

Only the Head Teacher (or anyone acting as Head Teacher in their absence) has the power to suspend or exclude a pupil from the school, and is able to decide whether this is on a fixed period or permanent basis. All suspensions and permanent exclusions will only be issued on disciplinary grounds.

The Head Teacher is able to suspend pupils from the premises where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day.

The Head Teacher is able to consider a pupil who engages in disruptive behaviour outside of school premises as grounds for suspension or permanent exclusion, in accordance with the school's Behaviour Policy.

When sending a pupil home following any suspension or permanent exclusion, the Head Teacher will ensure that they exercise their duty of care at all times and will always inform the parents.

Any decision made to suspend or exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions, permanent exclusions and the school's wider legal duties, including the European Convention on Human Rights (ECHR).

At all times, the Head Teacher will consider their legal duties under The Equality Act 2010 and the Special educational needs and disability code of practice: 0 to 25 years, ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, and will not increase the severity of a pupil's suspension or permanent exclusion on these grounds.

The Head Teacher will apply the civil standard of proof when responding to the facts relating to a suspension or permanent exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The Head Teacher may cancel any suspension or permanent exclusion that has already begun; however, this power will only be used if the suspension or permanent exclusion has not already been reviewed by the School Board. Where a suspension or permanent exclusion is cancelled, the Head Teacher will notify the pupil's parents, the School Board, the LA, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The Head Teacher will offer the pupil's parents the opportunity to meet with the Head Teacher to discuss the circumstances that led to the cancellation of the permanent exclusion, and the pupil will be allowed back into school.

The Head Teacher will report the number of suspensions and permanent exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the School Board once per term, to allow the School Board to have appropriate oversight.

The Head Teacher will not issue any 'informal' or 'unofficial' suspensions or permanent exclusions, such as sending a pupil home to 'cool-off', regardless of whether or not the parents/carers have agreed to this.

The Head Teacher will not use the threat of permanent exclusion as a means of instructing parents/carers to remove their child from the premises.

All suspensions and permanent exclusions will be formally recorded on the school's management information system.

### **Factors to consider when permanently excluding a pupil**

When considering the permanent exclusion of a pupil, the Head Teacher will:

- Allow the pupil the opportunity to present their case.
- Consider any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether permanent exclusion is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.

The Head Teacher will consider what extra support may be available for vulnerable pupil groups whose permanent exclusion rates are higher, in order to reduce their risk of permanent exclusion, including the following:

- Looked after children (LAC)
- Pupils eligible for free school meals
- Pupils with SEND
- Certain ethnic groups

The Head Teacher will consider avoiding excluding LAC, those with SEMH issues or pupils with an EHC plan. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Head Teacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities. The full assessment procedures are outlined in the school's Social, Emotional and Mental Health (SEMH) Policy.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's SEND Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or permanent exclusion may be considered.

In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be suspended or excluded before the graduated response process has been completed.

Where a pupil with SEND or SEMH issues is excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination.

The Head Teacher will work in conjunction with the parents/carers of any pupil with additional needs, in order to establish the most effective support mechanisms.

#### **Preventative measures**

Before taking a final decision to exclude, the Head Teacher will consider whether it is in the best interests of all parties to initiate off-site directions or managed moves as preventative measures to permanent exclusion.

#### **Off-site direction**

The board of trustees may use their general powers to arrange for any registered pupil to attend at any place outside the school premises for the purpose of receiving educational provision intended to improve their behaviour.

The School Board and the Head Teacher will decide, in communication with the pupil and their parents, whether off-site direction is an appropriate solution to manage a pupil's behaviour and avoid suspension or permanent exclusion. Where all parties agree to this course of action, the school will work with the pupil and their parents to discuss and agree a plan for the off-site direction, including a proposed maximum period of time that the pupil will be at the alternative provision and any alternative options that will be considered once the time limit has been reached, e.g. managed moves.

The School Board will notify parents, and the LA if the pupil has an EHC plan, in writing with information about the placement no later than two school days before the relevant day.

The school will keep any off-site placements under review by holding review meetings at intervals deemed appropriate by the School Board; the School Board will ensure, where possible, that review meetings are convened at a time suitable for the pupil's parents, and will invite parents in writing to each review meeting no later than six days before that date. Where parents request, in writing, that the School Board hold a review meeting, the School Board will arrange review meetings in response, as soon as is reasonably practicable, unless there has been a review meeting in the previous 10 weeks.

The School Board will decide at each review meeting whether the arrangement will continue and for what period of time; the meeting will also decide arrangements for further reviews. Reviews will be recorded in writing, including any decisions made regarding the placement.

### **Managed moves**

Where it is thought to be in a pupil's best interest to transfer them to another mainstream school permanently, the Head Teacher and School Board will discuss this with the parents of the pupil, and the LA if the pupil has an EHC plan – managed moves will only go ahead with the voluntary agreement of all parties involved, including the parents and the admission authority of the new school.

The school will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. The school will participate in information sharing with the pupil's new school, including sending data on prior and current attainment, academic potential and any risk management strategies. The school will also cooperate with the pupil's new school to create an effective integration strategy.

Parents who have concerns that a managed move is being forced on them or who are unhappy with a managed move will be referred to the Complaints Policy and Procedure.

### **Duty to inform parents/carers**

Following the Head Teacher's decision to suspend or exclude a pupil, they will immediately inform the parents, in person or by telephone, supported by email communication, of the period of the suspension, or permanency of the permanent exclusion and the reasons behind this.

The Head Teacher will inform the parents/carers in writing (or electronically if written permission has been received from the parents for notices to be sent this way), of the following:

- The reasons for the suspension or permanent exclusion
- The length of the suspension or permanency of the permanent exclusion
- Their right to raise any representations of the suspension or permanent exclusion to the School Board, including how the pupil will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the School Board to consider the suspension or permanent exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
- Relevant sources of free, impartial information

Where the pupil is of compulsory school age, the Head Teacher will inform the parents/carers by the end of the afternoon session that for the first five days of the suspension or permanent exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), parents/carers are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents/carers may receive a penalty fine if they fail to do so.

Where the Head Teacher has arranged alternative provision, they will also inform the parents/carers of the following:

- The start and end date for any provision of full-time education
- The address at which the provision will take place
- Any information necessary for the pupil to identify the person they should report to on the starting date

Where the Head Teacher is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision.

If the alternative provision is due to begin before the sixth day of the suspension or permanent exclusion, the Head Teacher is able to give less than 48 hours of notice, with parental consent.

If the Head Teacher has decided to suspend the pupil for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents/carers without delay and issue a new suspension or permanent exclusion notice to parents.

### **Duty to inform the School Board and LA**

The Head Teacher will inform the School Board, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude a pupil)
- Any suspensions which would result in the pupil being suspended for more than five school days in a term (or more than 10 lunchtimes)
- Any suspensions or permanent exclusions which would result in the pupil being absent from an examination or national curriculum test

For any suspensions and permanent exclusions, other than those above, the Head Teacher will notify the School Board and LA once per term.

The Head Teacher will inform the LA of all suspensions and permanent exclusions, regardless of their length, without delay.

All notifications to the School Board and LA will include the reasons for suspension or permanent exclusion and the duration of any suspension.

If the pupil who is suspended or excluded lives outside the LA in which the school is located, the Head Teacher will notify the pupil's 'home authority'.

### **Duty to inform social workers and the virtual school head (VSH)**

When a pupil has been suspended or excluded, the Head Teacher will, without delay, notify the pupil's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.

Social workers and/or the VSH will also be informed when a meeting of the School Board is taking place, and will be invited to attend the meeting should they wish to do so.

### **Arranging education for suspended and excluded pupils**

For any suspensions of more than five school days, the School Board/LA will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of suspension. Where a pupil receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension. For permanent exclusions, full-time education will be provided for the pupil from the sixth day of permanent exclusion.

The School Board/LA will not arrange full-time education for any pupil who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.

The School Board/LA is aware that it is beneficial to suspended and excluded pupils to begin their alternative education arrangements before the sixth day of permanent exclusion. The School Board/LA will always attempt to arrange alternative provision before the sixth day of permanent exclusion.

Where it is not possible to arrange alternative provision during the first five days, the school will ensure that they take reasonable steps to set and mark work for the pupil.

If a pupil with SEND has been suspended or excluded, the School Board/LA will ensure that:

- Any alternative provision is arranged in consultation with the parents/carers, who are able to request preferences.
- When identifying alternative provision, any EHC plan is reviewed or the pupil's needs are reassessed, in consultation with the pupil's parents

### **Considering suspensions and permanent exclusions**

The School Board's delegated panel, will consider any representations made by parents/carers in regard to suspensions and permanent exclusion.

Parents/carers and, where requested, a friend or representative, the Head Teacher and, where applicable, a member of the LA, will be invited to attend any consideration of suspensions and permanent exclusions and will be able to make representations.

Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

Where it is appropriate to the pupil's age and level of understanding, the pupil will also attend any consideration meeting, and will be enabled to make a representation on their own behalf if they desire to do so.

The School Board will consider the reinstatement of a suspended or excluded pupil, where:

- The exclusion is permanent.
- The suspension is fixed period, and would bring the pupil's total number of suspended school days to more than 15 in any given term.
- The suspension or permanent exclusion would result in the pupil missing a public examination.

In the case of a suspension where the pupil's total number of suspended days is more than 5 but less than 16 school days within a term, if parents make representations, the School Board will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the School Board will consider the reinstatement on their own.

Where a suspension will take a pupil's total number of school days out of school above five but less than 15 for the term, and parents have not requested a School Board meeting, the School Board will not be required to consider the pupil's reinstatement but it will have the power to do so if it deems it appropriate.

Where a suspension will not bring a pupil's total number of days of suspension or permanent exclusion to more than five days in a term, the School Board will consider all representations made by parents; however, the board cannot direct the reinstatement of the pupil and it is not required to arrange a meeting with parents.

Where suspension or permanent exclusion would result in a pupil missing a public examination, the School Board will consider the suspension or permanent exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of governors to consider the decision before the examination, a smaller sub-committee will consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

In light of the above, the School Board will also consider whether it would be appropriate to allow the excluded pupil to enter the premises to take the examination.

When considering permanent exclusions, the School Board will:

- Only discuss the suspension or permanent exclusion with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow pupils and parents/carers to be accompanied by a person of their choice at the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- Identify the steps needed to enable and encourage the suspended or excluded pupil to attend the meeting and speak on his/her behalf, or how he/she may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the pupil, including the grounds for suspension or permanent exclusion.

### **Reaching a decision**

After considering suspensions and permanent exclusions, the School Board will either:

- decline to reinstate the pupil; or
- Reinstate the pupil immediately, or on a specified date.

If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the School Board will still consider whether the pupil should be officially reinstated, and whether the Head Teacher's decision to suspend or exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The School Board will apply the civil standard of proof when responding to the facts relating to an permanent exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

In order to reach a decision, the School Board will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the suspension or permanent exclusion of the pupil was lawful, proportionate and fair, considering the Head Teacher's legal duties and any evidence that was presented to the School Board in relation to the decision.
- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
- Make a note of their findings, where they have considered a suspension or permanent exclusion but cannot reinstate the pupil.

### **Notification of considered permanent exclusions**

The School Board will notify the parents/carers of the suspended or excluded pupil, the Head Teacher and the LA of their decision following the consideration of a suspension or permanent exclusion, in writing and without delay.

In the case of permanent exclusion, where the School Board decides not to reinstate the pupil, they will notify the parents/carers:

- That the exclusion is permanent
- Of their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the permanent exclusion.
- That, regardless of whether a pupil has been identified as having SEND, the parents/carers have a right to require the School Board to ensure a SEND specialist attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents/carers will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

The School Board will also notify parents/carers that if they believe a suspension or permanent exclusion has been issued as a result of discrimination then they are required to make a claim under The Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

After any conclusion, the School Board will notify the parents/carers, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

### **Removing excluded pupils from the school register**

The Head Teacher will remove pupils from the school register if:

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

If an application for an independent panel review has been made within 15 school days, the Head Teacher will wait until the review has been determined, or abandoned, and until the School Board has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.

If a pupil's name is to be removed from the register, the Head Teacher will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the pupil normally resides.
- The grounds upon which the pupil's name is to be removed from the register.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal Court.

Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

### **Independent Review Panel**

The LA will review the School Board's decision not to reinstate a permanently excluded pupil, if the parents/carers submit their application for this within the required time frame.

Parents/carers are required to submit their applications within:

- 15 school days of the School Board's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under The Equality Act 2010.

Any application made outside of this timeframe will not be reviewed.

Parents/carers are able to request an independent panel review even if they did not make a case to, or attend, the School Board's initial consideration of the permanent exclusion.

The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Exclusion from maintained schools, Academies and pupil referral units in England' 2012.

### **Appointing a SEND expert**

If requested by parents/carers in their application for an independent review panel, the LA/academy trust must appoint a SEND expert to attend the panel and cover the associated costs of this appointment.

The LA/academy trust must decide to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

Parents/carers have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

The SEND expert's role is set out in the next section of this policy.

Individuals may not serve as an expert if they have, or at any time have had, any connection with the LA, academy trust, school, parents or pupil, or the incident leading to the permanent exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because he/she is an employee of the LA/ academy trust.

The SEND expert should be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals might include educational psychologists; specialist SEND teachers; special educational needs coordinators (SENCOs); and behaviour support teachers. Recently retired individuals are not precluded from fulfilling this role, though the LA/academy trust would need to assure themselves that the individual has a good understanding of current practice and the legal requirements on schools in relation to SEND.

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, a LA/academy trust, they should not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The LA/academy trust should request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

The final decision on the appointment of a SEND expert is for the LA/academy trust to make, but it should take reasonable steps to ensure that parents/carers have confidence in the impartiality and capability of the SEND expert. Where possible, this may include offering parents/carers a choice of SEND expert. In order to meet its duties within the statutory time frame, the LA/academy trust should consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.

It is for the LA/academy trust to determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

### **The role of a SEND expert**

The SEND expert's role is analogous to an expert witness, providing impartial advice to the panel on how SEND might be relevant to the permanent exclusion. The SEND expert should base their advice on the evidence provided to the panel. The SEND expert's role does not include assessing the pupil's SEND.

The focus of the SEND expert's advice should be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case they should, where possible, advise the panel on the possible contribution that this could have made to the circumstances of the pupil's permanent exclusion.

Where the school does not recognise that a pupil has SEND, the SEND expert should advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's permanent exclusion.

The SEND expert should not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

### **The duties of the Independent Review Panel members, the clerk and the SEND expert in the conduct of an independent review panel**

The role of the panel is to review the School Board's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

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) rather than the criminal standard of 'beyond reasonable doubt'.

Following the review, the panel can decide to:

- Uphold the decision;
- Recommend that the School Board reconsiders their decision; or
- Quash the decision and direct that the School Board considers the decision again.

The panel's decision can be unanimous and is binding on the pupil, parents, the School Board, Head Teacher, LA and the academy trust

### **Reconsidering reinstatement following a review**

Where the independent review panel instructs the School Board to review their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

The school is aware that if, following an instruction to reconsider, the School Board does not offer to reinstate the pupil, then the school will be required to make a payment of £4,000 directly to the LA in which the school is located.

Where the independent review panel **recommends** that the School Board should reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision. The school is aware that if, following a recommendation to reconsider, the School Board does not offer to reinstate the pupil, it will not be subject to a financial adjustment. If, following reconsideration, the School Board offers to reinstate the pupil but the parents decline, no adjustment will be made to the school's budget.

Following a reconsideration, the School Board will notify the parents/carers, the Head Teacher and, where necessary, the LA, of their reconsidered decision and the reasons for this.

### **Criminal investigations**

The Head Teacher will not postpone taking a decision to suspend or exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.

The Head Teacher will give particular consideration when deciding to suspend or exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the School Board is required to consider the Head Teacher's decision in these circumstances, they will not postpone the meeting and will decide based on the evidence available.

### **Using data**

The Head Teacher will ensure that all data regarding suspensions and permanent exclusions is collected and provided to the School Board on a regular basis. The School Board will review this data regularly in order to:

- Consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- Gather information on pupils who are taken off the roll and those who are on the roll but attending education off-site.
- Determine whether there are any patterns of suspensions and permanent exclusions across the trust.
- Consider the effectiveness and consistency in implementing the Behaviour Policy.
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Understand the characteristics of suspended and excluded pupils and evaluate equality considerations.
- Gather information on where pupils are receiving repeat suspensions.
- Evaluate interventions in place to support pupils at risk of suspension and permanent exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.
- Analysing whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives.

**Monitoring and review**

This policy will be reviewed every three years, or sooner if legislation changes, by the Head Teacher in conjunction with the School Board.

All members of staff are required to familiarise themselves with this policy and the corresponding Behaviour policy, SEND policy and Child Protection and Safeguarding policy as part of their induction programme.

## Suspension or Permanent Exclusion Checklist for Head Teachers



| Investigation and evidence gathering |  |
|--------------------------------------|--|
| 1                                    | Has sufficient evidence been gathered?   |
| 2                                    | Do you have witness statements from any victims (if relevant)? Are they signed and dated?  |
| 3                                    | Do you have witness statements from any staff and students who witnessed the incident (if relevant)? Are they signed and dated?  |
| 4                                    | If you have not taken statements from all witnesses, do you have a rationale for that?   |
| 5                                    | Do you have a statement from the suspended pupil? Is it signed and dated?  |
| 6                                    | If not, was the suspended or permanently excluded pupil given sufficient opportunity to give a statement and do you have evidence of this? <i>For example, emails requesting a statement, asking the parents/carers to submit one on the pupil's behalf, giving clear timeframe to do so.</i>  |
| 7                                    | Do the statements corroborate?   |
| 8                                    | If not, have you decided which version you believe on the balance of probabilities and why?  |
| 9                                    | Did the school follow its behaviour policy and any other relevant policies (if relevant)?  |
| 10                                   | Were correct TPA procedures followed when dealing with the incident/behaviour? <i>For example, provision in place, de-escalation techniques.</i>   |
| 11                                   | Do you believe that the pupil was clear about the school expectations as set out in the behaviour policy and the potential outcomes?   |
| 12                                   | Do you have a record of strategies and sanctions the school tried before the suspension or permanent exclusion, including internal support and outside agency support? <i>For example, lesson/timetable changes, regular check ins with a member of staff, restorative justice, change of class, SEMH interventions, counselling, alternative provision, internal suspension, managed moves.</i> |
| 13                                   | Was the impact of these strategies and sanctions reviewed and evaluated? <i>Collect any evidence of evaluations, signed and dated.</i>   |
| 14                                   | Have the parents/carers been involved in (and kept informed about) these strategies and sanctions? <i>Collect any records of meetings or contact with parents/carers.</i>  |
| 15                                   | Do you think the school exhausted all support strategies and interventions for the pupil?  |
| 16                                   | Does the pupil have any identified SEND?   |
|                                      | a. If yes, does the pupil have an EHCP in place and has appropriate provision been put in place?   |
|                                      | b. If no, might the pupil have SEND that to date have not been recognised? If so, have any steps been taken to assess?   |
| 17                                   | Have you complied with statutory duties in relation to SEND when administering the suspension or permanent exclusion process (if relevant)?  |
| 18                                   | Are there any extenuating circumstances that might reasonably mitigate suspension or permanent exclusion for the pupil? <i>For example, family situation, mental health concerns, bereavement, bullying.</i>   |
| 19                                   | Have you included any extenuating circumstances in your considerations?  |
| 20                                   | If you discounted any extenuating circumstances, do you have a rationale for this?   |

| Making the decision                             |   |  |
|---|---|--|
| 21  | Do you believe, based on the balance of probabilities, that the pupil has done what is alleged?   |  |
| 22  | Was there a serious breach or persistent breaches of the school's behaviour policy?   |  |
| 23  | Will allowing the pupil to remain in the school seriously harm the education or welfare of the pupil or others in the academy? ( <i>for Permanent Exclusion</i> )   |  |
| 24  | Do you have a rationale for your answers to questions 21 to 23?   |  |
| 25  | Will this suspension result in the pupil missing a public exam or National Curriculum test?   |  |
| 26  | Do you consider that the decision to suspend or permanently exclude this pupil is lawful, rational, reasonable, fair and proportionate? <i>This judgement will be based on your responses to all the previous questions.</i>  |  |
| Checking paperwork and previous suspensions     |   |  |
| 27  | Have you (or a colleague) checked the suspension or permanent exclusion paperwork for accuracy before issuing?  |  |
| 28  | Have you checked previous suspension to establish the total for term and year including this suspension? <i>Note that you cannot exclude for more than 45 days in a year.</i>   |  |
| Informing parties about the suspension          |   |  |
| 29  | Inform the parents/carers immediately, ideally initially in person or by telephone  |  |
| 30  | Send suspension or permanent exclusion letter to parents/carers   |  |
| 31  | Agree date/time for Reintegration Meeting with parents/carers   |  |
| 31  | Provide learning for the pupil to complete while suspended  |  |
| 32  | <b>Suspension resulting in the pupil missing a public exam or National Curriculum test</b> - notify chair, clerk and TPA immediately. Clerk will arrange a panel to review the decision.  |  |
| 33  | <b>Permanent exclusion</b> - notify chair, clerk and TPA immediately. Clerk will arrange a panel to review the decision.  |  |
| 34  | <b>Suspension taking the pupil's total days of suspension above 15 days for the term</b> - notify chair, clerk and TPA immediately. Clerk will arrange a panel to review the decision.  |  |
| 35  | <b>Suspension taking the pupil's total days of suspension above 5 days but below 15 days for the term</b> - notify chair, clerk and TPA immediately. If the parents/carers request a reconsideration of the suspension, notify the clerk who will have to arrange a panel to review the decision. |  |
| 36  | <b>Suspension where the pupil's total days of suspension is below 5 days</b> - notify TPA immediately. No requirement to notify chair and clerk about the specific suspension, unless parents/carers make representations.  |  |
| Paperwork for panel (if panel hearing required) |   |  |
| 37  | Are statements signed and dated?  |  |
| 38  | Are photos or other evidence labelled and dated?  |  |
| 39  | Are names redacted or changed to anonymous, identifying letters to protect the identity of all other individuals?   |  |

### **Example text for suspensions**

*I am writing to you today to inform you that the school has come to the decision to suspend your child on a fixed-period basis, starting from **DD/MM/YYYY**. Your child will be permitted to return to the school on **DD/MM/YYYY**. Between these dates, your child will not be allowed on the school site.*

*The school has come to the decision to suspend your child because of the following reason(s):*

- **Reason for suspension**

*As your child is of compulsory school age, you must ensure that they are not present in a public place during school hours for the first five days of their suspension, until the start of any alternative provision commences or the end of the suspension. The school will ensure that the appropriate arrangements are in place to ensure that your child's education is not disrupted.*

*If this suspension means that your child is going to miss an examination, the School Board will convene a meeting to consider reinstatement before the date of the examination.*

### **Example text for suspensions of less than five days**

*As the suspension is fewer than five days, your child will be set work to complete during their suspension period. This work must be returned to teachers through email so that it can be marked, and feedback can be provided. Teachers will set a deadline for each piece of work when the tasks are sent to your child.*

### **Example text for suspension of 6-15 days**

*As the suspension is longer than six days, for the first five days your child will be set work to complete during their suspension period. This work must be returned to teachers through email so that it can be marked, and feedback can be provided. Teachers will set a deadline for each piece of work when the tasks are sent to your child.*

*After this period, your child will be provided with alternative provision at a different setting. Your child will start provision there on **DD/MM/YYYY** and will be permitted to return to the school on **DD/MM/YYYY**. Details of the alternative provision setting can be found below.*

### **Example text for suspensions of more than 15 days**

*As the suspension is longer than six days, for the first five days your child will be set work to complete during their suspension period. This work must be returned to teachers through email so that it can be marked, and feedback can be provided. Teachers will set a deadline for each piece of work when the tasks are sent to your child.*

*After this period, your child will be provided with alternative provision at a different setting. Your child will start provision there on **DD/MM/YYYY** and will be permitted to return to the school on **DD/MM/YYYY**. Details of the alternative provision setting can be found below.*

*In addition, the School Board will hold a meeting to discuss whether your child will be permanently excluded. You and your child are invited to attend this meeting. The latest date on which the School Board can meet is **DD/MM/YYYY**. You may be accompanied by a friend or representative; please get in touch with the school as soon as possible to arrange this.*

## Reintegration Meeting after a suspension

The purpose of a Reintegration Meeting is to facilitate the following:

- Schools should support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction
- Schools should offer the pupil a fresh start
- Schools should help them understand the impact of their behaviour on themselves and others
- Schools should teach them to how meet the high expectations of behaviour in line with the school culture
- Schools should foster a renewed sense of belonging within the school community
- Schools should build engagement with learning.

The strategies to achieve the above should be communicated during a reintegration meeting before or at the beginning of the pupil's return to school.

During the reintegration meeting, the school should communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. In Primary Schools, this meeting should include the pupil's parents. However, it is important to note that a pupil should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting.

To ensure ongoing progress, the strategy should be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

Where necessary, schools should work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer school's team, to identify if the pupil has any SEND and/or health needs.

A part-time timetable should not be used to manage a pupil's behaviour and should only be in place for the shortest time necessary. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time, either at school or alternative provision. There should also be formal arrangements in place for regularly reviewing it with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must treat absence as authorised.

Schools can consider a range of measures to enable the pupil's successful reintegration which can include, but are not limited to:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Daily contact with a designated pastoral professional in-school
- Use of a report card with personalised targets leading to personalised rewards
- Ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress
- Planned pastoral interventions
- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents and staff of potential external support.



**REINTEGRATION MEETING:**

|              |  |  |
|--------------|--|--|
| <b>NAME:</b> | <b>Previous suspensions:</b><br>(dates and duration) | <b>Current suspension:</b><br>(dates and duration) |
| <b>YEAR:</b> |  |  |

**Check all that apply:**

SEND     EHCP     Looked After     Pupil Premium     Child Protection Plan

**Review of Current Attendance**

**Attendance this year:**

**Number of days absent:**

**Attendance (%):**

**External Agency Involvement:** *i.e. social services, behaviour support, PRU, Paediatrician etc.*

**Previous Actions Taken (If applicable):** *If the child has had previous suspensions then what strategies/adaptations have been implemented to prevent a further suspension?*

- 
- 
- 

**What happened?** *A brief summary of behaviour which led to the suspension and reference to the rule/behaviour policy. Could detail here the impact the behaviour had on other individuals*

**What should have happened?** *Detail responses which include accountability by both parties*

**Pupil:**

**Staff:**

**What have we learnt and what can we change?** *This needs to take account of knowledge each of the parties have gained from the previous sections so they understand how their actions have affected others. It is an opportunity to identify triggers/hotspots so changes can be made to prevent similar behaviours reoccurring.*

**Pupil:**

**Staff:**

**How can we change it?** *The response to this should form part of the pupil's support plan and agreed targets, so both pupil and staff know how to support achievement of successful outcomes.*

**Pupil:**

**Staff:**

