

## DOCUMENT INFORMATION – FRONT SHEET

### PURPLE: Trust Policy

This cannot be changed and will be put on the Trust website with a link published on the School Website.

Please note - physically printed copies of this policy may be out of date. For the most up to date policy please go to the Trust website [here](https://www.lifemultiacademytrust.org.uk/governance/policies/) ( <https://www.lifemultiacademytrust.org.uk/governance/policies/>)

POLICY OWNER/AUTHOR	NEW POLICY	CURRENT POLICY - REDRAFT/AMENDMENTS	
Sian Griffiths	Yes/No*	Yes/No* if YES please provide brief details of changes below and highlight changes in yellow.	
VERSION HISTORY			
VERSION NO	1	PREVIOUS REVIEW DATE	N/A
DATE APPROVED/REVIEWED	23.09.2024	APPROVED BY	Trust Board
REVIEW CYCLE	1 year initially and then biannually unless guidance changes	NEXT REVIEW	31 <sup>st</sup> December, 2025
UNION CONSULTATION REQUIRED	Yes/No*	IF YES, PLEASE STATE DATE OF CONSULTATION	

\*delete where applicable

## 1. LEGISLATION AND STATUTORY GUIDANCE

This policy is based on statutory guidance from the [Department for Education \(DfE\): Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement, September 2023](#). It is based on the following legislation, which outlines schools' powers to exclude pupils –

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on –

- Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out 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
- The Equality Act 2010
- Children and Families Act 2014
- The School Inspection Handbook, which defines 'off-rolling'

The guidance details the legal responsibilities for those who suspend and permanently exclude Pupils from educational settings, including -

- Headteachers
- Local Governing Bodies
- Academy Trusts

It governs the suspension and exclusion of pupils from the Schools within the LiFE Multi Academy Trust – Ashby School, Bosworth Academy, Braunstone Frith Primary Academy, Countesthorpe Academy, Desford Community Primary School, Dove Bank Primary School, Ibstock Community College, Ivanhoe School, Kingsway Primary School and The Winstanley School. The Schools within the Trust are committed to following all statutory procedures to ensure that every child receives an education in a safe and caring environment and aim to -

- Ensure that the suspension and exclusion process is applied fairly and consistently.
- Help governors, staff, parents/carers and pupils understand the process.
- Ensure that pupils in school are safe and happy.
- Prevent pupils from becoming NEET (not in education, employment or training).
- Ensure all suspensions and permanent exclusions are carried out lawfully.

The Exclusion and Suspension Policy and Procedure will be reviewed by the Board initially annually and then biannually unless there are legislative changes or new guidance issued by the DfE within that timescale. The review timescale must be adhered to, failure to do so could constitute a failure to adhere to the procedure. The policy must be uploaded on to the Trust/School Websites. This policy should be read in conjunction with the Behaviour Policy.

## 2. DEFINITIONS

- Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.
- Permanent exclusion – when a pupil is removed from the school permanently and removed from the school roll. This is sometimes referred to as an 'exclusion'.

- Parent/carers – any person who has parental responsibility and any person who has care of the child.
- Managed move – a managed move is used to initiate a process that leads to the permanent transfer of a pupil to another mainstream school. Managed moves should be voluntary and agreed upon with all parties involved.
- Governor Disciplinary Committee (GDC) – a panel of governors who have delegated responsibility to review a suspension or exclusion.

### 3. HEADTEACHER – RESPONSIBILITY

Only the Headteacher; or the acting Headteacher; of a school can suspend or permanently exclude a pupil on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently exclude. When Headteachers suspend or permanently exclude a pupil they must, without delay, notify parents. Recent 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.

Rescinding a suspension or exclusion - the Headteacher can cancel any suspension or exclusion that has already begun (or one that has not yet begun), but this can only happen when the GDC has not yet met to consider whether the pupil should be reinstated. Where the Headteacher cancels the suspension or permanent exclusion, they will notify the parents/carers/pupil without delay, and provide a reason for the cancellation.

Any days spent out of school as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year. A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

The decision can be made in respect of behaviour inside or outside of school. The Headteacher will only use permanent exclusion as a last resort.

- a. A decision to suspend a pupil will be taken only –
  - In accordance with the school's behaviour policy.
  - To provide a clear signal of what is unacceptable behaviour.
  - To show a pupil that their current behaviour is putting them at risk of permanent exclusion.

Where suspensions have become a regular occurrence, the Headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

A decision to permanently exclude 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. Before deciding whether to suspend or exclude a pupil, the Headteacher will -

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked.
- Allow the pupil to give their version of events.
- Consider whether the pupil has special educational needs (SEN).
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC)).
- Consider whether all alternative solutions have been explored, such as –
  - For suspensions, detentions or other sanctions provided for in the behaviour policy.
  - For exclusions.

## LIFE EXCLUSION & SUSPENSION POLICY

The Headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so. Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent/carer or social worker. The Headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

### b. Informing parents/carers (or the pupil where they are 18 or older)

If a pupil is at risk of suspension or exclusion, the Headteacher will inform the parents/carers/pupil as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the Headteacher decides to suspend or exclude a pupil, the parents/carers/pupil will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay by the end of the afternoon session on the first day their child is suspended or permanently excluded.

The parents/carers/pupil will also be provided with the following information in writing, without delay -

- The reason(s) for the suspension or permanent exclusion.
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent.
- Information about the parents/carers'/pupil's right to make representations about the suspension or permanent exclusion to the governing board and, where the pupil is attending alongside parents/carers, how they may be involved in this.
- If the pupil is of compulsory school age, the Headteacher will also notify parents/carers without delay that –
  - For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies.
  - Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.
- If alternative provision is being arranged, the following information will be included, if possible –
  - The start date for any provision of full-time education that has been arranged .
  - The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant.
  - The address at which the provision will take place.
  - Any information the pupil needs in order to identify the person they should report to on the first day.
  - If the Headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.
  - The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents/carers' consent.

### c. Informing the governing board

The Headteacher will, without delay, notify the governing board of -

- Any permanent exclusion.

## LIFE EXCLUSION & SUSPENSION POLICY

- Any suspension or permanent exclusion that would result in the pupil being suspended or permanently excluded. for a total of more than 5 school days (or more than 10 lunchtimes) in a term.
- Any suspension or permanent exclusion that would result in the pupil missing a National Curriculum test or public exam.
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation.

*NB – Headteachers are not required to notify the Governing Board of a suspension which totals less than 5 days.*

### d. Informing the local authority (LA)

The Headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension. The notification will include -

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent.

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it. The Headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

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

If a Pupil with a social worker is at risk of suspension or permanent exclusion, the Headteacher will inform the social worker as early as possible or a Pupil who is a looked-after child (LAC) is at risk of suspension or exclusion, the Headteacher will inform the VSH as early as possible. This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour. If the Headteacher decides to suspend or permanently exclude a pupil with a social worker/a pupil who is looked after, they will inform the pupil's social worker/the VSH, as appropriate, without delay, that –

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

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

### f. Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the Headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways may be used for this. If the pupil has a special educational need or disability, the Headteacher will make sure that reasonable adjustments are made to the provision where necessary. If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

## LIFE EXCLUSION & SUSPENSION POLICY

### 4. LOCAL GOVERNING BODY (LGB)

a. How representations should be made - all requests to consider representations should be made by email to [governanceprofessionals@lifemultiacademytrust.org.uk](mailto:governanceprofessionals@lifemultiacademytrust.org.uk).

Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, the parents/carers/the pupil have a right –

- i. to attend the meeting,
- ii. be represented at the meeting (at their own expense) and/or bring a friend.
- iii. to request that the meeting be held remotely.

Within the guidance below there are specific responsibilities on the Governing Board of each School –

- iv. The Governing Board has a duty to consider an exclusion/suspension, this duty has been delegated by the Trust Board.
- v. The Governing Board have a key responsibility in considering whether excluded pupils should be reinstated. This forms part of their wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties.

#### b. Considering suspensions and permanent exclusions

The responsibility regarding suspensions and permanent exclusions to a committee of the LGB consisting of at least 3 governors. The Governor Disciplinary Committee (GDC) has a duty to consider parents/carers'/the pupil's (if they are 18 or older) representations about a suspension or permanent exclusion.

- i. All exclusion/suspension letters should have the name and email address of the Governance Professional as the point of contact for Parents to make representations, email - [governanceprofessionals@lifemultiacademytrust.org.uk](mailto:governanceprofessionals@lifemultiacademytrust.org.uk).
- ii. On receipt of representations from the Parent(s) the Governance Professional will acknowledge receipt and check with the School the total number of days of suspension within the current term. The involvement of the Governing Board is dependent upon the total number of days of suspension within a term, see Sections c – e below.
- iii. The Governance Professional will then advise the Parent/Carer/Pupil of the process – see section c or e below and provide updates of progress throughout the process.

c. **Less than 5 days** - in the case of a suspension which does not bring the Pupil's total number of days of suspension to more than 5 in a term, the Governing Board must consider any representations made by Parents/Carers/Pupil, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

#### Process & Timescales

- i. The Governance Professional will send the letter/email from the Parent/Carers/Pupil to the School for comment with a deadline for response.
- ii. A Panel of 3 Governors will be established who will consider any representations by a short meeting, this can be held online.
- iii. The decision of the Governors will be communicated to the Parents/Carers/Pupil, cc to the School (Pupils File).
- iv. There are no timescales in place for this process but good practice would be to complete the process within 21 School working days, where possible, from the date of receipt of the representations from the Parent.

d. **6 to 15 days** - the requirements are different for suspensions where a Pupil/Carers/Pupil would be suspended for more than 5 but less than 15 school days in a term. In this case, where the Parents/Carers/Pupil make representations, the Governing Board **must consider and decide within 50 School days** of receiving the notice of suspension whether the suspended Pupil should be reinstated. In the absence of any representations from the Parents/Carers/Pupil, the Governing Board is not required to meet and cannot direct the reinstatement of the Pupil.

e. **More than 15.5 days or a Permanent Exclusion** - the Governing Board must consider and decide on the reinstatement of a suspended or permanently excluded pupil **within 15 School days** of receiving notice of a suspension or permanent exclusion from the Headteacher if –

- i. it is a permanent exclusion;
  - ii. it is a suspension which would bring the Pupil's total number of School days out of School to more than 15 in a term; or
  - iii. it would result in the Pupil missing a public examination or national curriculum test.
- f. Process for criteria d. and e. above.

Where Parents/Carers/Pupil make representation under criteria d. above or where Governors are required to consider an exclusion or suspension under criteria e. above, the process will be as outlined below. The following parties must be invited to a meeting of the GDC and allowed to make representations or share information -

- i. Parents/Carers (and, where requested, a representative or friend) and/or the Pupil should be enabled to make a representation on their own behalf if they wish to do so.
- ii. the Headteacher;
- iii. a representative of the Local Authority – only where Parents/Carers make a request that the Local Authority and/or the home Local Authority attend a meeting of the GDC as an observer; that representative may only make representations with the GDC's consent.
- iv. the Child's Social Worker if the Pupil has one.
- v. the VSH (Virtual School Head) if the child is LAC.

The Governance Professional will -

- i. notify the School that a Panel will need to be established of 3 Governors and request available dates/times from the Headteacher.
- ii. contact the Parents/Carers/Pupil to ask whether they would want the meeting to be held in person or via the use of remote access (for example, live video link). Meetings held via the use of remote access should not be a default option and face to face meetings should always be encouraged.
- iii. contact the Governors to establish a Panel.
- iv. once a convenient date/time has been provisionally agreed the Parents should be notified (the Parents/Carers/Pupil have the option to refuse 2 dates, where that happens the Governance Professional will decide on a 3rd date/time and there will be no further offers).
- v. the School will need to confirm whether the Parents/Carers/Pupil use emails (to agree/notify dates etc) if not any communication will need to be delivered by hand by the School.
- vi. the final agreed date/time will be confirmed with the Parents/Carers/Pupil.
- vii. ask the School to produce a pack of all the relevant information relating to the suspension including witness statements, other relevant information held by the School such as those relating to a pupil's SEN and the pupil's school record. Witness statements can be gathered from the Headteacher, the Pupil's Teachers, the Designated Safeguarding Lead, the Pupil themselves, the Pupil's Parent(s) and if applicable, the designated Teacher for LAC (Looked After Children). Where possible, written statements should also be gathered from the Pupil's Social Worker, and for LAC the area's VSH (Virtual School Head). The pack should also include an agenda/meeting schedule.
- viii. the pack should be hand delivered to the Parents/Carers/Pupil address by the School.
- ix. Following receipt of the pack the Parents/Carers/Pupil will be offered the opportunity to make a written submission.

The Governors Disciplinary Committee (GDC), comprising of 3 Governors will consider any representations and will -

- i. appoint a Chair from within their number prior to the meeting.

- ii. not discuss the suspension or permanent exclusion with any party outside of the meeting;
- iii. comply with their duty to make reasonable adjustments for people who use the School and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting.
- iv. identify the steps they will take to enable and encourage the suspended or permanently excluded Pupil to attend the meeting and speak on their behalf (such as providing accessible information or allowing them to bring a friend), taking into account the Pupil's age and understanding; or how the suspended or permanently excluded Pupil may feed in their views by other means if attending the meeting is not possible.

g. Considering the reinstatement of a suspended or permanently excluded Pupil

At the conclusion of the meeting, all parties will be asked to leave and the Governors will make their decision. The Governance Professional will stay to help the Governing Board by reference to their notes of the meeting and with the wording of the decision letter. Where the Governing Board is legally required to consider reinstating a suspended or permanently excluded Pupil, they must consider both the interests and circumstances of the suspended or permanently excluded Pupil, and that of other Pupils, Staff, and School community.

The GDC must also consider any representations made by or on behalf of the Parents/Carers or the Pupil if they are over 18 years old; the Headteacher; the Pupil's Social Worker if the Pupil has one; if the Pupil is looked after the VSH.

When establishing the facts in relation to a suspension or permanent exclusion the GDC 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'. In reaching a decision on whether a Pupil should be reinstated, the GDC should consider whether the decision to suspend or permanently exclude the Pupil was lawful, reasonable, and procedurally fair. The GDC should also consider the welfare and safeguarding of the Pupil and their Peers, the Headteacher's legal duties, and any evidence that was presented to the GDC in relation to the decision to exclude or suspend.

In the light of its consideration, the GDC can either –

- i. decline to reinstate the Pupil; or
- ii. direct reinstatement of the Pupil immediately or on a particular date.

If a reinstatement meeting would make no practical difference because, for example, the Pupil has already returned to school following the expiry of a suspension or the Parents make clear they do not want their Child reinstated, the GDC must still meet to consider whether the Pupil should or would have been officially allowed back into the School. Ideally, a reinstatement meeting should happen as soon as possible and should ideally be held before the Pupil is back in School.

The Governance Professional will support the GDC with the drafting of the letter which will include the GDC's decision and the reasons for the decision in sufficient detail to enable all parties to understand why the decision was made, the letter should be circulated within 3 schools working days to the Parents/Carers or the Pupil if they are 18 years or over, with a copy to the Headteacher to note the outcome of its consideration on the pupil's educational record, copies of relevant papers should also be kept with the educational record. Where applicable a copy of the letter will also be sent to, the local authority, the Pupil's Social Worker and/or the VSH. Where the pupil resides in a different local authority area from the one in which the School is located, the GDC must also inform the Pupil's 'home authority'.

The GDC must make reasonable endeavours to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

Permanent Exclusion outcome letter - where an exclusion is permanent and the GDC has decided not to reinstate the pupil, the notification of decision will also include the following - the fact that it is a permanent exclusion, notice of Parents/Carers'/Pupil (if they are 18 or older) right to ask for the decision to be reviewed by an independent review panel, the date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the GDC's decision is given to parents/carers), the name and address to which an application for a review and any written evidence should be submitted, that any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion, that, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require LiFE Multi Academy Trust to appoint an SEN expert to advise the review panel, details of the role of the SEN expert and that there would be no cost to parents/carers for this appointment, that parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review, that parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review, that, if parents/carers believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also, that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

## 5. MONITORING AND ANALYSING SUSPENSIONS AND EXCLUSIONS DATA

The Local Governing Board (LGB) will review, challenge and evaluate the data on the school's use of suspension, exclusion and off-site direction to alternative provision. The LGB will consider -

- How effectively and consistently the school's behaviour policy is being implemented.
- The school register and absence codes.
- Instances where pupils receive repeat suspensions.
- Interventions in place to support pupils at risk of suspension or permanent exclusion.
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary.
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications that may highlight where policies or support are not working.
- The characteristics of suspended and permanently excluded pupils, and why this is taking place.
- 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 and that pupils are benefiting from it.
- The cost implications of directing pupils off-site.

## 6. INDEPENDENT REVIEW PANEL

If parents/carers/the pupil (if they are 18 or older) apply for an independent review within the legal timeframe, LiFE Multi Academy Trust will, at their own expense, arrange for an independent panel to review the decision of the GDC not to reinstate a permanently excluded pupil. Applications for an independent review must be made within 15 school days of notice being given to the parents/carers/pupil by GDC of its decision to not reinstate the pupil or, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion. Any applications made outside of this timeframe will be rejected. Independent reviews can be held remotely at the request of parents/carers/pupils.

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 school governor category and 2 members will come

from the Headteacher category. At all times during the review process there must be the required representation on the panel –

- 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.
- Current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Headteachers during this time.
- Headteachers or individuals who have been a Headteacher within the last 5 years.

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

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

The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school. Taking into account the pupil's age and understanding, the pupil or their parents/carers will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to. Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion. Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion. Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the Headteacher in the lead up to the permanent exclusion, or are relevant to the pupil's permanent exclusion. Following its review, the independent panel will decide to do 1 of the following –

- i. Uphold the governing board's decision.
- ii. Recommend that the governing board reconsiders reinstatement.
- iii. Quash the governing board's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed).

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced. In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the GDC at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the GDC and that it ought to have considered if it had been acting reasonably. If evidence is presented that the panel considers it is unreasonable to expect the GDC to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the GDC reconsider reinstatement.

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote. Once the panel has reached its decision, the panel will notify all parties in writing without delay. This notification will include -

- i. The panel's decision and the reasons for it
- ii. Where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the pupil within 10 school days
- iii. Any information that the panel has directed the GDC to place on the pupil's educational record

## 7. SCHOOL REGISTERS

A pupil's name will be removed from the school admission register if -

- i. 15 school days have passed since the parents/carers/pupil (if they are 18 or older) were notified of decision to not reinstate the pupil and no application has been made for an independent review panel, or
- ii. The parents/carers/pupil have stated in writing that they will not be applying for an independent review panel
- iii. Where an application for an independent review has been made within 15 school days, the GDC will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register. Where excluded pupils are not attending alternative provision, code E (absent) will be used.

## 8. RETURNING FROM A SUSPENSION

### a. Reintegration strategy

Following suspension, or cancelled suspension or exclusion, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education. Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life for the pupil, the points below are suggestions only and will be adapted to the school's specific circumstances –

- i. Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school.
- ii. Daily contact in school with a designated pastoral professional.
- iii. Mentoring by a trusted adult or a local mentoring charity.
- iv. Regular reviews with the pupil and parents/carers to praise progress being made and raise and address any concerns at an early stage.
- v. Informing the pupil, parents/carers and staff of potential external support.
- vi. Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.
- vii. The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents/carers, and other relevant parties.

### b. Reintegration meetings

The school will clearly explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community. The pupil, parents/carers and relevant staff will be invited to attend the meeting. The meeting can proceed without the parents/carers in the event that they cannot or do not attend. The school expects all returning pupils and their parents/carers to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom. In circumstances where it is not possible for a parent or carer to attend a reintegration meeting in person, they will be offered for this to take place via telephone or via video call. This will be at the discretion of the Headteacher of the school.

## 9. REMOTE ACCESS TO MEETINGS

## LIFE EXCLUSION & SUSPENSION POLICY

Parents/carers, or pupils if they are 18 or older, can request that a GDC, or independent review panel be held remotely. If the parents/carers/pupil don't express a preference, the meeting will be held in person. In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely. Remotely accessed meetings are subject to the same procedural requirements as in-person meetings. The GDC should make sure that the following conditions are met before agreeing to let a meeting proceed remotely –

- i. All the participants have access to the technology that will allow them to hear, speak, see and be seen.
- ii. All the participants will be able participate fully.
- iii. The remote meeting can be held fairly and transparently.
- iv. Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that cannot be reasonably resolved and compromise the ability of participants to contribute effectively, or prevent the meeting from running fairly and transparently

### 10. MONITORING ARRANGEMENTS

The school will collect data on –

- Attendance, permanent exclusions and suspensions
- Anonymous surveys of staff, pupils, governors/trustees and other stakeholders on their perceptions and experiences
- The data will be analysed and monitored at regular intervals.
- The data will be analysed from a variety of perspectives including –
  - At school level
  - By age group
  - By protected characteristic

The trust will work with its academies to consider this data, and to analyse whether there are patterns across the trust, recognising that numbers in any 1 academy may be too low to allow for meaningful statistical analysis.

## APPENDIX A

### INDEPENDENT REVIEW PANEL TRAINING

## **LIFE EXCLUSION & SUSPENSION POLICY**

The trust must make sure that all members of an independent review panel and the Governance Professionals have received training within the 2 years prior to the date of the review. The training must have covered –

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions on disciplinary grounds, 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 Headteachers, governing 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