



# OUR LADY OF LOURDES

CATHOLIC MULTI-ACADEMY TRUST

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## Suspension and Permanent Exclusion Policy

January 2024



## Our Lady of Lourdes Catholic Multi Academy Trust Mission Statement

We are a partnership of Catholic schools.

Our aim is to provide the very best Catholic education for all in our community and so improve life chances through spiritual, academic and social development.

*By placing the person and teachings of Jesus Christ at the centre of all that we do, we will:*

- Follow the example of Our Lady of Lourdes by nurturing everyone in a spirit of compassion, service and healing
- Work together so that we can all achieve our full potential, deepen our faith and realise our God-given talents
- Make the world a better place, especially for the most vulnerable in our society, by doing *'little things with great love'* St Thérèse of Lisieux

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## 1 Legislation this policy relates to

### The principal legislation to which this guidance relates is:

- based on statutory guidance from the Department for Education;<sup>1</sup>
- the Education Act 2002, section 51a, as amended by the Education Act 2011;
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;

### In addition, the policy is based on:

- the Education and Inspections Act 2006; part 7, chapter 2. Which looks at parental responsibility for excluded pupils.<sup>2</sup>
- the Education Act 1996; section 579, which defines the 'school day'<sup>3</sup>
- the Education (Provision of Full-Time Education for Excluded Pupils)<sup>4</sup> (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014;<sup>5</sup>
- the Equality Act 2010;<sup>6</sup>
- Children and Families Act 2014;<sup>7</sup>
- The [School Inspection Handbook](#),<sup>8</sup> which defines 'off-rolling'

### This policy complies with our funding agreement and articles of association.

## 2 Aims

We are committed to following all statutory Suspension and Permanent exclusion procedures to ensure that every child receives an education in a safe and caring environment.

Our school aims to:

- Ensure that the suspension and permanent exclusions process is applied fairly and consistently;
- help governors, staff, parents and pupils understand the suspension and permanent exclusions 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.

## 3 Off-rolling

### Ofsted defines off-rolling as:

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

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<sup>1</sup> [School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](#)

<sup>2</sup> [Education and Inspections Act 2006 \(legislation.gov.uk\)](#)

<sup>3</sup> [Education Act 1996 \(legislation.gov.uk\)](#)

<sup>4</sup> [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007 \(legislation.gov.uk\)](#)

<sup>5</sup> [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014 \(legislation.gov.uk\)](#)

<sup>6</sup> [Equality Act 2010 \(legislation.gov.uk\)](#)

<sup>7</sup> [Children and Families Act 2014 \(legislation.gov.uk\)](#)

<sup>8</sup> [School inspection handbook - GOV.UK \(www.gov.uk\)](#)

'Off-rolling' is a form of gaming and occurs where a school makes the decision, in the interests of the school and not the pupil, to:

- Remove a pupil from the school roll without a formal, permanent exclusion, or
- Encourage a parent to remove their child from the school roll
- Retain a pupil on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension.
  - ***Accordingly, Telling or forcing a pupil to leave school, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent).***
  - ***Whenever a pupil is made to leave school, or forbidden from attending school, on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) England) Regulations 2012 and with regard to relevant parts of the DFE guidance.***

**Any suspension or exclusion will be made on disciplinary grounds, and will not be made:**

- Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a pupil's poor academic performance, or
- Because the pupil hasn't met a specific condition, such as attending a reintegration meeting.

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.

#### 4 Promoting positive behaviour and early intervention.

At OLoL CMAT we believe in promoting positive behaviour (as depicted within our academies' behaviour policies) and see suspension and permanent exclusions as a last resort when all other options have been explored. In these cases, the headteacher will refer to the Department for Education (DfE) Guidance on School suspensions and permanent exclusions (September 2022<sup>9</sup>) and assistance from our DPS Team.

***Only the headteacher of an academy can suspend or permanently exclude a pupil, and this must be on disciplinary grounds.***

The acting head teacher can also exclude, ***so long as that person has been officially appointed, by the DPS team, to carry out the functions of the headteacher in the headteacher's absence or pending the appointment of a new headteacher.***

It does not automatically mean a deputy can stand in if the headteacher is off site for a meeting for example.

#### 5 Definitions

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

- **Suspension** – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

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<sup>9</sup><https://www.gov.uk/government/publications/school-exclusion>

- **Permanent exclusion** – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an ‘exclusion’.
- **Off-site direction** – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.
- **Parent** – any person who has parental responsibility and any person who has care of the child.
- **Managed move** – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

## 6 Monitoring arrangements

The DPS team monitors the number of suspensions every term and reports back to the Catholic Life, Curriculum and Standards Committee. They also liaise with the local authority to ensure suitable full-time education for permanently excluded pupils.

## 7 Alternatives to suspension may include:

- restorative justice approach (where the “offender” redresses the harm caused to the “victim”);
- mediation (including the use of third parties to resolve conflicts);
- internal suspension (moved to another class or from particular activities but kept within the academy setting);
- managed move (to another academy to allow the child to have a fresh start).

## 8 Removing pupils from an academy site and the decision to suspend or exclude

Our school is aware that off-rolling is unlawful, **see point 2**.

There are four circumstances in which a pupil may be required to leave the academy premises:

- If there is sufficient evidence that a pupil has committed a disciplinary offence and the pupil remaining on-site could harm the welfare of him/herself and or others.
- A pupil is accused of a serious criminal offence, but the offence took place outside the academy’s jurisdiction.
- For medical reasons a pupil’s presence on the site represents a risk to the health and safety of others.
- The pupil is given permission to temporarily leave the academy premises to remedy breaches of the academy rules.

### **A decision to suspend a pupil will be taken only:**

- in response to a serious breach or persistent breaches of the academy’s behaviour policy; and
- if allowing the pupil to remain in the academy would seriously harm the education or welfare of the pupil or others in the academy.

### **A decision to exclude a pupil permanently will be taken as a last resort.**

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked.
- Allow the pupil to give their version of events.
- Consider if the pupil has special educational needs (SEN)

Pupils' behaviour outside of the academy e.g. on school trips, at sports events, is subject to the behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in the academy; and additionally, this includes any serious breach of policy which could 'bring OLOL CMAT or its academies into disrepute'.

The academy must take account of any Special Educational Needs and Disabilities (SEND) when considering whether or not to suspend or permanently exclude a pupil. The headteacher must ensure that all reasonable steps, in line with the Equalities Act 2010<sup>10</sup> have been taken by the academy to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to their disability.

Before suspending or permanently a child with SEND, the headteacher must look first at what additional support is needed, have they explored strategies with outside agencies or whether a different school/academy would be more suitable.

A decision to exclude a child permanently is serious and will only be taken where the basic facts have been clearly established on the balance of probabilities. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success. It is an acknowledgement by the academy that it has exhausted all available strategies for dealing with the child and will be used as a last resort.

There are, however, exceptional circumstances where, in the headteacher's judgment, it is appropriate to permanently exclude a child for a first or 'one off' offence. The following is not a comprehensive list, but such exceptional circumstances might include:

- serious actual or threatened violence against another pupil or a member of staff;
- sexual abuse or assault;
- supplying an illegal drug; or
- carrying an offensive weapon.

In these circumstances the police or relevant agencies (such as social workers or Youth Offending Teams) will be informed where appropriate.

## 9 Suspension

A decision to suspend a pupil will be taken only in response to breaches of the academy's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions such as detention or internal suspensions are considered inappropriate. Individual suspensions will be for the shortest time necessary, bearing in mind that suspensions of more than a day or two make it more difficult for the pupil to reintegrate into the academy afterwards.

## 10 Factors to consider before making a decision to suspend

Suspension will not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the academy or the pupil concerned. Before deciding whether to suspend a pupil, either permanently or for a fixed period, the headteacher will:

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<sup>10</sup>[Equality Act 2010 \(legislation.gov.uk\)](http://legislation.gov.uk)



- ensure that a thorough investigation has been carried out;
- consider all the evidence available to support the allegations, taking account of the academy's behaviour and equal opportunities policies;
- allow and encourage the pupil to give their version of events;
- check whether the incident may have been provoked, for example by bullying, or by racial or sexual harassment;
- if necessary, consult the DPS team, but not anyone who may later have a role in reviewing the headteacher's decision, for example a member of the governing body<sup>11</sup>;
- keep a written record of the actions taken (and copies of written records made by other members of staff), including any interview with the pupil concerned. Witness statements must be dated and should be signed, wherever possible.

## 11 When Suspension is not appropriate

### **Suspension will not be used for:**

- The pupil having additional needs or a disability that the school feels unable to meet
- Poor academic ability or attainment (though a pupil who repeatedly disobeys their teachers' academic instructions could be subject to suspension).
- The pupil failing to meet specific conditions before being reinstated, such as failing to attend a reintegration meeting.
- minor incidents such as failure to do homework or to bring dinner money;
- poor academic performance;
- lateness or truancy;
- pregnancy;
- breaches of academy uniform rules or rules on appearance (for example, relating to jewellery, body-piercing, hairstyles, etc.), except where these are persistent and in open defiance of such rules;
- punishing pupils for the behaviour of their parents/carers, for example where parents/carers refuse, or are unable, to attend a meeting;
- protecting victims of bullying by sending them home.

## 12 Procedure for suspending or excluding a pupil: role of headteacher

### **Deciding whether to suspend or exclude**

Only the headteacher, or acting headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. 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.

If the headteacher is satisfied that, on the balance of probabilities, a pupil has committed a disciplinary offence and needs to be removed from the academy site for that reason, formal suspension is the only legal method of removal. Informal or unofficial suspensions are illegal regardless of whether they are done with the agreement of parents/carers. If pupils are sent home in response to a breach of discipline, even for short periods of time, this must be formally recorded as a suspension.

In every instance where a pupil is sent home for disciplinary reasons, headteachers must formally record and specify the length of the suspension (for reporting purposes this should be recorded as a half day, whole day or lunchtime).

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<sup>11</sup> Within OLOL CMAT this would normally be the Chair or in their absence the Vice Chair.

### **A decision to suspend or 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 suspension or permanent 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 off-site direction or managed moves.

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 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.

### **Informing parents**

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents 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 will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend.

The headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, 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 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

- This requirement applies whether or not the pupil is in the company of the parent. A failure to comply with this requirement is an offence. Parents/carers can be given a fixed penalty notice of £60 if they fail to do this. The penalty payable increases to £120 if unpaid after 28 calendar days, and if this is still unpaid after 42 days the parent will be subject to prosecution for the original offence.

If alternative provision is being arranged, the following information will be included when notifying parents of a suspension:

- 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 required by the pupil to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided 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, in which case the information can be provided with less than 48 hours' notice with parents' consent.

**Therefore, the Headteacher will ensure that:**

- they are meeting their legal duty of care towards pupils, and that parents/carers are formally notified of the suspension;
- child protection issues are taken into account e.g. bearing in mind the child's age and vulnerability, that a parent/carer is at home and the child is not placed at risk by, for example, being left to wander the streets; and
- that work is sent home or alternative provision is arranged.

The headteacher will immediately notify the DPS team, Chair of the Governors and the local authority (LA) of:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil.
- Any suspension or permanent exclusion which 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 which would result in the pupil missing a National Curriculum test or public exam

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other suspensions, the headteacher will notify the DPS team, Local Governing Body and the local authority (LA) once a term.

The headteacher will notify the governing board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

### 13 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
- **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)

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.

#### **Cancelling suspensions and permanent exclusions**

The headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents, governing board and LA will be notified without delay.
- Where relevant, any social worker and VSH will notified without delay.
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation
- As referred to above, the headteacher will report to the governing board once per term on the number of cancellations.
- The pupil will be allowed back in school.

#### **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 such as Google Classroom or Oak Academy 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.

## 14 Length of Suspensions

Regulations allow headteacher's to suspend a pupil for one or more fixed periods which, when aggregated, do not exceed a total of 45 school days in any one academy year.

The limit of 45 school days, applies to the pupil and not to the institution. Therefore, any days of suspension served by the pupil in any academy or PRU/AP in the same academy year will count towards the total.

It is important therefore that, when a pupil transfers to a new academy during the academic year, records of the suspension a pupil has received and served so far during the current academic year are also transferred promptly to the new academy.

When imposing suspensions headteacher's should bear in mind the duration and frequency. Suspensions may not be given for an unspecified period, for example until a meeting can be arranged. **Such a practice amounts to an indefinite suspension for which no legal authority exists.**

Pupils whose behaviour at lunchtime is disruptive may be suspended from the academy premises for the duration of the lunchtime period. Lunchtime suspensions are counted as one half of a school day for statistical purposes and to trigger governor / management committee meetings so that parents/carers can make representations.

## 15 The governing body

Responsibilities regarding suspensions and permanent exclusions are delegated to the Exclusions with a committee consisting of 3 governors.

The Exclusion Committee has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances.

Within 14 days of receiving a request, the governing body will provide the secretary of with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the governing body insert 'LA' instead of 'governing board' if you are a PRU will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

### **Monitoring and analysing suspensions and exclusions data**

The governing board will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The governing board 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 which 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

## 16 The local authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For pupils who are LAC or have social workers, the LA and the school will work together arrange suitable full-time education to begin from the first day of the exclusion.

## 17 Re-integration interview

The headteacher must arrange a reintegration interview with parents/carers during or following the expiry of any suspension. An interview is not necessary where the pupil is leaving the academy within the period of the suspension for a reason unconnected with his or her behaviour or where the first day of suspension falls within the last ten school days in the academy year. The pupil should normally attend all or part of the interview. The interview should be conducted by the headteacher or a senior member of staff. In some circumstances it may be helpful for another person to be present such as the designated teacher or nominated governor.

The purpose of the reintegration interview is to assist the reintegration of the pupil and promote the improvement of his or her behaviour. It provides an opportunity to:

- emphasise the importance of parents/carers working with the academy to take joint responsibility for their child's behaviour;
- discuss how behaviour problems can be addressed;
- explore wider issues and any circumstances that may be affecting the child's behaviour;
- reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour; and
- create a useful forum to consider with parents/carers the possibility of a parenting contract.

The interview must be held during the period beginning with the first school day to which the exclusion relates and ending with the fifteenth school day following the day on which the pupil returns to academy. The headteacher must try to arrange the interview for a date and time that is convenient to the parent. If possible, the interview should be held on the day, the pupil returns to the academy.

At least one of the child's parents/carers is expected to attend the meeting. A parent's failure to attend will be one factor taken into account by a magistrates' court when deciding whether to impose a parenting order, if at any future date a parenting order has been applied for by the academy or local authority.

Academies must keep records of the failure to attend a reintegration interview, and of any explanation given by the parents/carers for failure to attend, as the court may need to see them. However, a fixed period exclusion must not be extended if such an interview cannot be arranged in time or the parents/carers do not attend. The interview must be conducted on academy premises. The notice relating to a reintegration interview can be combined with the notice informing the parents/carers of the exclusion or relating to the alternative educational provision that the pupil must attend whilst excluded.

## 18 Parental co-operation

If a parent does not comply with an suspension, for example by sending the suspended child to academy, or by refusing to collect or arrange collection of the child, including at lunchtime, the academy must have due regard for the pupil's safety in deciding what action to take. A suspension should not be enforced if doing so may put the safety of the pupil at risk.

If efforts to resolve the issue with the parents/carers are unsuccessful the academy should consider whether to contact the LA Service. In some circumstances, police or community support officers could become involved. Where there is a persistent lack of parental co-operation and this is affecting the child's behaviour, the academy or LA may consider applying for a parenting order.

## 19 Considering the reinstatement of a pupil

The Exclusion Committee will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of days out of school to more than 15 in a term; or
- It would result in a pupil missing a public exam or National Curriculum test

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the Exclusion Committee must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, the Exclusion Committee will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the Exclusion Committee will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the Exclusion Committee may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- Parents, or the pupil if they are 18 or over (and, where requested, a representative or friend)

- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

The governing board will try 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.

The Exclusion Committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, **the Exclusion Committee** will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair.
- Whether the headteacher followed their legal duties.
- The welfare and safeguarding of the pupil and their peers.
- Any evidence that was presented to the governing board.

They will decide whether or not a fact is true 'on the balance of probabilities'.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

The Exclusion Committee will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or the pupil, if they are 18 or older
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- The local authority
- The pupil's home authority, if it differs from the school's

Where an exclusion is permanent and the **Exclusion Committee** 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' 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 governing board's decision is given to parents)
- 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 have a right to require OLoL CMAT 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 for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That, if parents 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

## 20 Independent review

If parents apply for an independent review, the academy trust will arrange for an independent panel to review the decision of the governing board 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 by the **Exclusion Committee** of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor's category and 2 members will come from the headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School 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 of the academy trust, or governing board of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the 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 the academy trust, school, governing board, parents 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 within the last 2 years (see appendix 1 for what training must cover)

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 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.

### **An independent clerk will be appointed to the IRP.**

The IRP will decide one of the following:

- uphold the governing bodies decision;
- recommend that the governing body reconsiders reinstatement;
- quash the exclusion committee decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed on the grounds of illegality, irrationality or procedural impropriety).

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 governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board 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 governing board 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 governing board 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:

- The panel's decision and the reasons for it
- 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
- Any information that the panel has directed the governing board to place on the pupil's educational record

## **21 School registers**

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

- 15 school days have passed since the parents were notified of the suspension panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or

- The parents have stated in writing that they will not be applying for an independent review panel

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

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.

### **Making a return to the LA**

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- The pupil's full name
- The full name and address of any parent with whom the pupil normally resides
- At least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion)
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school
- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house.

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

## **22 Monitoring arrangements**

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions.
- Use of pupil referral units, off-site directions and managed moves.
- Anonymous surveys of staff, pupils, governors/trustees and other stakeholders on their perceptions and experiences.

The data will be analysed every half term by Mrs Pyatt, DHT, who will report back to the headteacher.

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By time of day/week/term
- By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

OLoL CMAT 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.

This policy will be reviewed by Robert della-Spina every year in line with KCSIE updates. At every review, the policy will be approved by the standards board.

## Appendix 1: Independent review panel training

**OLOL CMAT will ensure** that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, 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

## Appendix 2: Letter 1 From head teacher notifying parent of a suspension of 5 school days or fewer in one term, and where a public examination is not missed.

Dear **[Parent's Name]**

I am writing to inform you of my decision to suspend **[Child's Name]** for a fixed period of **[specify period]**. This means that **he/she** will not be allowed in school for this period. The suspension begins/began on **[date]** and ends on **[date]**.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[Child's Name]** has not been taken lightly. **[Child's Name]** has been suspended for this fixed period because:

**[specify full reason for suspension, be clear as to how this breaches the behaviour policy].**

You have a duty to ensure that your child is not present in a public place in school hours during this suspension, specifically **[specify dates]** unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the dates above without reasonable justification. It will be for you to show that there is reasonable justification for this.

**[Optional paragraph – school should take reasonable steps to set and mark work for pupils]**

We will set work for **[Child's Name]** to be completed on the days specified in the previous paragraph as school days during the period of **his/her** suspension **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned promptly for marking.

You have the right to make representations about this decision to the governing body. If you wish to make representations please contact **[Name of Contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>.

**[Optional paragraph for reintegration interview]**

You and **[name of pupil]** are invited to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before **[Child's Name]** is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best their return to school can be managed.

You also have the right to see a copy of **[Child's Name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of their school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

The Department for Education statutory exclusions guidance can be found at [www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)

**[Child's Name]**'s suspension expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**.

Yours sincerely  
**[Name]**

Head teacher

### Appendix 3: Letter 2 From head teacher notifying parent(s) of a pupil of that pupil's fixed period suspension of more than 5 school days (up to and including 15 school days) in a term.

Dear **[Parent's name]**

I am writing to inform you of my decision to suspend **[Child's Name]** for a fixed period of **[specify period]**. This means that **[Child's Name]** will not be allowed in school for this period. The suspension start date is **[date]** and the end date is **[date]**. Your child should return to school on **[date]**.

I realise that this suspension may well be upsetting for you and your family, but my decision to suspend **[Child's Name]** has not been taken lightly. **[Child's Name]** has been suspended for this fixed period because **[specify full reasons for suspension]**.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this suspension, specifically **[specify dates]**. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the dates above without reasonable justification. It will be for you to show that there is reasonable justification for this.

**[Academies should take reasonable steps to set and mark work]**

We will set work for **[Child's Name]** during the **[first 5 or specify other number as appropriate]** school days of his/her suspension **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned promptly for marking.

**[if the individual suspension is for more than 5 days]**

From the **[6th school day of the pupil's suspension]** **[specify date]** until the expiry of this suspension period we **[set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education. **[Set out the arrangements if known at the time of writing, e.g.]** On **[date]** he should attend **[give name and address of the alternative provider]** at **[specify the time — this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider]** **[if not known say that the arrangements for suitable full time education will be notified shortly by a further letter]**

You have the right to request a meeting of the school's discipline committee to whom you may make representations, and my decision to exclude can be reviewed. As the period of this suspension is more than 5 school days in a term the discipline committee must meet if you request it to do so. The latest date by which the discipline committee must meet, if you request a meeting, is **[specify date — no later than the 50th school day after the date on which the discipline committee were notified of this suspension]**. If you do wish to make representations to the discipline committee/management committee, and wish to be accompanied by a friend or representative, please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>. Making a claim would not affect your right to make representations to the discipline committee.

You and **[Child's Name]** are invited to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You have the right to see and have a copy of, your child's school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of your child's school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

The Department for Education statutory exclusions guidance can be found at [www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)

**[Child's Name]'s** suspension expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**.

Yours sincerely

**[Name]**

Head teacher

## Appendix 4: Letter 3 From head teacher notifying parent of a fixed period suspension of more than 15 school days in total in one term or taking the total to more than 15 school days in one term.

Dear **[Parent's Name]**

I am writing to inform you of my decision to suspend **[Child's Name]** for a fixed period of **[specify period]**. This means that **[Child's Name]** will not be allowed in school for this period. The suspension **begins/began** on **[date]** and ends on **[date]**.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[Child's Name]** has not been taken lightly. **[Child's Name]** has been suspended for this fixed period because **[specify full reasons for suspension]**.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this suspension, specifically **[specify dates]**. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the dates above without reasonable justification. It will be for you to show that there is reasonable justification for this.

**[Academies should take reasonable steps to set and mark work]**

We will set work for **[Child's Name]** during the **[first five school days or specify dates]** of his/her suspension **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

**[if the individual suspension is for more than 5 days]** From the **[6th school day of the pupil's suspension]** **[specify date]** until the expiry of his/her suspension we **[set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education. **[Set out the arrangements if known at the time of writing, e.g.]** On **[date]** **[Child's Name]** should attend **[give name and address of the alternative provider]** at **[specify the time — this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider]** **[if not known say that the arrangements for suitable full time education will be notified shortly by a further letter]**

As the length of the suspension is more than 15 school days in total in one term **[or, As this suspension will take the total number of days suspension to more than 15 school days in one term]** the governing body must meet to consider the suspension. You may make representations to the governing body at the review meeting if you wish. The latest date on which the governing body can meet is **[date here — no later than 15 school days from the date the governing body is notified]**. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>.

Making a claim would not affect your right to make representations to the governing body/management committee.

You and **[Child's Name]** are invited to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You have the right to see and have a copy of, your child's school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of your child's school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

The Department for Education statutory suspension guidance can be found at [www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)

**[Name of Child]'s** exclusion expires on **[date]** and we expect **[Name of Child]** to be back in school on **[date]** at **[time]**.

Yours sincerely

**[Name]**

Head teacher



Appendix 5: Letter 4 From the head teacher of a primary, secondary or special school notifying the parent(s) of that pupil's permanent exclusion. Contact the LA/PRT team for further required documentation.

Dear **[Parent's Name]**

I regret to inform you of my decision to permanently exclude **[Child's Name]** with effect from **[date]**. This means that **[Child's Name]** will not be allowed in school unless **he/she** is reinstated by the **governing body/the discipline committee**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded because **[specify full reasons for exclusion — include any other relevant previous history]**.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, specifically **[specify dates]**. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the dates above without reasonable justification. It will be for you to show that there is reasonable justification for this.

Alternative arrangements for **[Child's Name]'s** education to continue will be made. For the first five school days of the exclusion we will set work for **[Child's Name]** and would ask you to ensure this work is completed and returned promptly to school for marking **[this may be different if supervised education is being provided earlier than the sixth day]**. From the sixth school day of the exclusion onwards — i.e. from **[specify the date]** the local authority **[give the name of the authority]** will arrange education provision. **[set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]**

**[For pupils of compulsory school age where the pupil lives in a local authority other than the excluding school's local authority]** I have also today informed **[name of officer]** at **[name of local authority]** of your child's exclusion and they will be in touch with you about arrangements for **his/her** education from the sixth school day of exclusion. You can contact them at **[give contact details]**.

As this is a permanent exclusion the governing body must meet to consider it. You may make representations to the governing body at the review meeting, if you wish, and ask them to reinstate your child. The governing body have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may request that the decision be reviewed by an Independent Review Panel. The latest date by which the governing body must meet is **[specify the date— the 15th school day after the date on which the governing body was notified of the exclusion]**. If you wish to make representations to the governing body and would like to be accompanied by a friend or representative please contact **[name of contact] on/at [contact details — address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body of the time, date and location of the meeting. Please let us know if you have a disability or special needs that would affect your ability to attend the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>. Making a claim would not affect your right to make representations to the governing body/management committee.

You have the right to see a copy of **[Name of Child]'s** school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of **[Name of Child]'s** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

The following sources of information are available to you:

The Department for Education statutory exclusions guidance can be found at [www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)

Yours sincerely

**[Name]**

Head teacher

## Appendix 6: Letter 5 From the clerk to the governing body to parent upholding a permanent exclusion.

Dear **[Parent's name]**

The meeting of the governing body at **[school]** on **[date]** considered the decision by **[head teacher]** to permanently exclude your son/daughter **[name of pupil]**. After carefully considering the representations made and all of the available evidence, the governing body, has decided to uphold **[name of pupil]'s** permanent exclusion.

The reasons for the governing body's decision are as follows: **[set out reasons for the decision in sufficient detail to enable all parties to understand why the decision was made and how they arrived at that decision]**

You have the right to request a review of this decision by an Independent Review Panel. If you would like to request a review, please notify our school, in writing. You must set out the grounds on which the request for a review is being made and send this to clerk of the governing body **[specify the latest date — the 15th school day after receipt of this letter]**. Please note that requests received after **[repeat latest date]** will be rejected. If you have a disability or special needs that would affect your ability to attend the meeting, please advise the School Appeals Officer. It would also be helpful to advise if you require an interpreter to be present.

Where appropriate, your request should include a reference to how your child's Special Educational Needs (SEN) are considered to be relevant to the exclusion. You have a right to request the attendance of a Special Educational Needs Expert at the review, regardless of whether the school recognises that your child has SEN. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion and does not include making an assessment of your child's special educational needs. There is no cost to yourself for this service but you must make it clear that you wish for an SEN expert to be appointed when you make your request for a review. You may at your own expense, appoint someone to make written and/or oral representation to the panel or bring a friend to the review.

Your review will be heard by an **Independent Review Panel**. The panel will comprise of one serving, or recently retired (within the last five years), head teacher, one serving, or recently served, school governor (who has served as a governor for at least 12 consecutive months) and one lay member who will be the Chairperson. The review panel will rehear all the facts of the case — if you have fresh evidence to present to the panel you may do so. The panel must meet no later than the 15th school day after the date on which the review request is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

Following its review, the panel can decide to:

- uphold your child's exclusion;
- recommend that the governing body reconsiders their decision, or
- quash the decision and direct that the governing body considers the exclusion again.

In order to assist you to make an informed decision on whether, and if so, how to seek a review please see the information at the end of this letter. In addition, if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals> who have the jurisdiction to hear claims of discrimination under the Equality Act 2010 or the County Court (for other forms of discrimination). A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which the pupil was excluded.

The Department for Education statutory exclusions guidance can be found at [www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)

The arrangements currently being made for **[pupil's name]'s** education will continue.

Yours sincerely

**[name]**

Clerk to the Governing Body

## Appendix 7: Headteacher report template: Key Elements to include in your report.

### Name of Pupil

1. Date of permanent exclusion
2. Background Information about the Pupil
3. Details about the investigation/continued disruption
4. Details regarding the processes of escalating support, inclusive of dates and impact.
5. Which Policies are engaged? And which section of the Behaviour/Suspension and permanent exclusion Policy in particular? **Set this out clearly**
6. Summary of the outcome
7. Meeting with the parents and pupil prior to the decision to permanently exclude
8. Reasons for the permanent exclusion
9. What would be the impact of the pupil returning to school?
10. What about the impact on particular pupils?
11. What other action could have been taken?
12. Have any external agencies been involved?
13. Are there any outside school factors to be taken into account?
14. Are there any areas that need to be revisited/procedural flaws that should be considered?
15. **Why would the return of the pupil be detrimental to the education of the pupil or the welfare and education of others in the school?**

## Appendix 8: Updates to the guidance on suspensions and exclusions 1<sup>st</sup> September 2023.

### Allow remote access to governing board meetings and independent review panels (IRPs)

#### Parents/carers can request the meeting be held remotely

**Note:** *where we refer to parents/carers in this update, this is the case if the pupil is under 18*; where the pupil is 18 or over, replace any mention of 'parents/carers' in this update section with 'the pupil'.

Encourage holding meetings in person, because this is still the default. But now parents/carers can request that a meeting be held via the use of remote access (carried out by electronic means, e.g. live video link).

Headteachers **must** inform parents/carers of their right to make a request for a remote meeting when notifying them of the exclusion.

#### Meetings can also be remote in unforeseen or extraordinary circumstances

For example, school closure due to:

- Floods
- Fire
- Infectious illness / disease

Note that where these extraordinary circumstances don't apply and parent/carers don't request a remote meeting, then the meeting **must** be held in person.

#### Make sure certain conditions are met for remote meetings

Our Governing bodies or arranging authority will:

- Confirm that all the participants have access to the technology which will allow them to:
  - Hear
  - Speak
  - See
  - Be seen
- Make sure all the participants will be able participate fully
- Make sure that the remote meeting can be held fairly and transparently

If the governing board or arranging authority aren't satisfied that a remote meeting can be held fairly and transparently, then we will consult with parents/carers to decide how a face-to-face meeting can be arranged.

#### If technical issues occur, rearrange to meet in person

Where our school can't resolve technical difficulties that prevent participants holding the meeting fairly or transparently, we will arrange a face-to-face meeting without delay.

#### Social workers and virtual school heads (VSHs) can join remotely

Even if the meeting is held in person, ensure that all can contribute effectively.

Get more details on remote access to meetings in part 11, and annex A of the guidance linked above.

## Understand tightened rules around cancelling suspensions/exclusions

The DfE has made the rules around cancelling suspensions/exclusions clearer, which should go further to help protect pupils from off-rolling. ***This is clearly laid out in the above policy – any questions, please refer to your DPS.***

Headteachers can now cancel exclusions that have **not started yet**, whereas previously they could only cancel suspensions/exclusions that had already begun. (This is all provided that the governing board hasn't yet met to consider whether the pupil should be reinstated.)

## Notify those involved of a cancelled suspension/exclusion

When an exclusion is cancelled, the headteacher, **will** notify without delay:

- Parents/carers; **or** the pupil (if they're 18 or older)
- The governing board
- The local authority (LA)
- The pupil's social worker (where relevant)
- The VSH (where relevant)

The headteacher must provide all parties with the **reason** for cancellation.

Offer parents/carers the opportunity to meet with you as headteacher without delay, to discuss the circumstances that led to the cancellation.

## Any days out of school will count as a suspension

Any days out of school, before a cancelled suspension/exclusion, will count towards the maximum of 45 school days a pupil can be suspended in any school year.

Note that a permanent exclusion **can't** be cancelled, *if a pupil has already been suspended for more than 45 days in a school year.*

## Pupils should be reintegrated without delay

Our school will offer the same support to pupils whose suspensions/exclusion has been cancelled, as we would to a pupil who has been suspended on their return to school.

## Governing boards don't need to meet or consider representations

In the case of a cancelled suspension/exclusion, the board's duty to consider reinstatement stops so it doesn't need to meet.

Read more about these changes in paragraphs 13 and 14 of the new guidance.

## Clarity on timelines for the board to meet to consider representations

In the 2022 version of the guidance, it wasn't clear what the governing board's responsibility is when a pupil is suspended for **15.5 days** in a term. This falls between the thresholds of 'more than 15 days in a term' and 'more than 5 but less than 16 days in a term', which require different actions.

The DfE has clarified this point in this update. Paragraph 101 of the guidance specifically states that **when pupils have been excluded for any more than 15 days, including 15.5 days, in a term, the governing board must consider reinstatement within 15 days** (footnote 58, page 36).

*If a suspension will take the pupil's total to 15.5 days in a term, refer to paragraph 101 and footnote 58 on page 36, instead of the summary flowchart and questions on pages 39 and 40 of the guidance, to avoid confusion.*

#### Other minor changes

- The Headteacher will make sure they have a formal process for informing the VSH about an exclusion (paragraph 15)
- If pupils are 18 or above, they should be involved in the process, not their parents/carers (as mentioned above)
- When the governing board is considering the reinstatement of a pupil, the clerk should be present to make a record of the discussion, which should state clearly how decisions have been reached (paragraph 122)