



**Aston Community
Education Trust**

ACET Suspension & Permanent Exclusion Policy

DATE: October 2024

POLICY LEAD: Executive Principal

APPROVED BY: Trust Board



Excellence



Equity



Empowerment



Esteem

DOCUMENT CONTROL		POLICY LEVEL - TRUST (Junior & Senior)	
APPROVED BY	Trust Board	APPROVED DATE	21.10.2024
BUSINESS LEAD	Executive Principal	AUTHOR	Rebecca Hibberd
NEXT REVIEW DATE	October 2025	FREQUENCY	Annually
VERSION NUMBER	DATE ISSUED	UPDATED INFORMATION	
V2	October 2023	<p>Changes:</p> <ul style="list-style-type: none"> • Allow remote access to Local Governing Body(LGB)meetings and Independent Review Policies (IRPs) • Parents/carers can request for the meeting to be held remotely although it is preferable that they are held face to face. Principals should inform parents/carers of this option. • Meetings can also be held remotely in the case of unforeseen or extraordinary circumstances e.g academy closures due to floods, fires, infectious diseases • If the meeting is to be held remotely the Local Governing Body and arranging authorities should ensure that all participants have the technology which will allow them to hear, speak, see and be seen so they can participate fully. • In the case of remote meetings, the meetings must be held fairly and transparently. If this is not possible, the meeting must be arranged as a face-to-face opportunity. • Social workers and Virtual Headteachers should be able to join remotely even when all other parties are meeting face to face • Rules have been tightened around cancelling suspensions / exclusions to further protect students from off-rolling Principals can now cancel exclusions that have not yet started. (Previously they could only cancel them once they had started). 	

		<ul style="list-style-type: none"> Where an exclusion is cancelled the principal must notify: <ul style="list-style-type: none"> Parents/carers; or the student, if they are 18 or older The Local Governing Body The Local Authority The student's social worker (where relevant) The Virtual School Headteacher (where relevant) <p>The headteacher must provide all parties with the reason for cancellation. Students should be reintegrated without delay.</p> <p>All days out of school will count as a suspension. These will count towards the maximum of 45 days in a school year that a student can be suspended in any school year.</p> <p>Clarity on timelines for the Local Governing Body to meet to consider representations</p> <p>The new guidance states that when students have been excluded for any more than 15 days, including 15.5 days in a term, the LGB must consider reinstatement within 15 days</p> <p>If a looked after child is suspended the academy principal should make every effort to speak with the VHT to inform them of the suspension.</p> <p>If a student is 18 years old or above, they should be involved in the process, not their parents/carers</p> <p>When the LGB is considering the reinstatement of a student, the clerk should be present to make a record of the discussion, which should state clearly how decisions have been reached.</p>
V3	October 2024	This policy has been updated to reflect the government's ambition to create high standards of behaviour in schools so that children and young people are protected from disruption and are in a calm, safe, and supportive environment that brings out the best in every pupil/student



Excellence



Equity



Empowerment



Esteem



Contents

1. Aims	3
2. Legislation and statutory guidance	4
3. Definitions	5
4. Roles and responsibilities	5
5. Considering the reinstatement of a pupil	11
6. Independent review	13
7. Academy registers	15
8. Returning from a suspension	16
9. Remote access to meetings	16
10. Monitoring arrangements	17
11. Links with other policies	18
Appendix 1: independent review panel training	19

1. Aims

The main aim of this policy is to inform the academy's use of suspension and permanent exclusion as a sanction for serious breaches of the Behaviour and Rewards Policy. These may include: -

- Dangerous and/or disruptive behaviour
- Issues relating to misuse of substances/weapons
- Physical assault against pupils/students or staff
- Racial abuse or other forms of bullying/discrimination
- Threatening behaviour
- Verbal abuse
- Sexual abuse or assault
- Theft
- Persistent disruption to learning and teaching
- Disrespectful and/or defiant behaviour
- Unacceptable behaviour which has previously been reported and where sanctions have been unsuccessful in modifying behaviour
- Persistent refusal to follow the academy's uniform policy

(NB: The above is not an exhaustive list)

We are committed to following all statutory suspension/exclusion procedures to ensure that every pupil/student receives an education in a safe and caring environment.

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

Our academy aims to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents/carers and pupils understand the exclusions process
- Ensure that pupils in academy 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

2. A note on off-rolling

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

- Remove a pupil from the academy roll without a formal, permanent exclusion, or
- Encourage a parent/carer to remove their child from the academy roll, or
- For Post 16 provision, encourage a sixth-form student not to continue with their course of study, or
- Retain a pupil on the academy roll but does not allow them to attend the academy normally, without a formal permanent exclusion or suspension

Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, or not allowing them to attend academy without following the statutory procedure contained in the [Academy Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event.

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 academy 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'

2. 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](#). August 2024.

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 Academy 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 ‘academy 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 [Academy Inspection Handbook](#), which defines ‘off-rolling’

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

3. Definitions

Suspension – when a pupil is removed from the academy for a fixed period. This was previously referred to as a ‘fixed-term exclusion’.

Permanent exclusion – when a pupil is removed from the academy permanently and taken off the academy roll. This is sometimes referred to as an ‘exclusion’.

Off-site direction – when a governing board of a maintained academy requires a pupil to attend another education setting temporarily, to improve their behaviour.

Parent/carer – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another academy permanently. All parties, including parents/carers and the admission authority for the new academy, should consent before a managed move occurs.

4. Roles and responsibilities

4.1 The principal

Deciding whether to suspend or exclude

Only the principal, or acting principal, can suspend or permanently exclude a pupil from academy on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of academy. The principal will only use permanent exclusion as a last resort.

The decision to exclude a pupil/student permanently is a very serious one. There are two main types of situation in which permanent exclusion may be considered.

The first is a final, formal step in a concerted process for dealing with disciplinary issues following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort.

The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a

student for a first or 'one off' offence. **Each exceptional circumstance would be considered carefully by the Principal, and at their discretion, a student can be excluded for:**

- Bringing, supplying or consuming an illegal drug on the academy site
- Very serious, actual violence against another student or member of staff.
- Sexual abuse or sexual assault.
- Carrying an offensive weapon (**Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with them for such use by them."*)
- Arson

This is not an exhaustive list.

The Academy will consider police involvement for any of the above offence.

A decision to suspend a pupil will be taken only:

- In accordance with the academy'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 principal 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 exclude a pupil will be taken only:

- In response to serious or persistent breaches of the academy's behaviour policy, **and**
- If allowing the pupil to remain in academy would seriously harm the education or welfare of others
- Before deciding whether to suspend or exclude a pupil, the principal 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, off-site direction or managed moves

The principal 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 principal 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/carers (or the pupil where they are 18 or older)

If a pupil is at risk of suspension or exclusion, the principal 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 principal 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.

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
- 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/carers/the pupil have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That parents/carers/the pupil have the right to request that the meetings be held remotely, and how and to whom they should make this request
- If the pupil is of compulsory academy age, the principal will also notify parents/carers 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 academy 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 academy 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 principal 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 academy reserves the right to provide the information with less than 48 hours' notice, with parents/carers' consent.

If the principal cancels the suspension or permanent exclusion, they will notify the parents/carers/pupil without delay, and provide a reason for the cancellation.

Informing the local governing board (LGB)

The principal will, without delay, notify the governing board of:

Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil

Any suspension or permanent exclusion that would result in the pupil being suspended or permanently excluded for a total of more than 5 academy 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

Informing the local authority (LA)

The principal 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 academy is located, the principal will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

The principal must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

Informing the pupil's social worker and/or virtual academy head (VSH)

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the principal 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 principal 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 principal 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.

Cancelling suspensions and permanent exclusions

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

- The parents/carers (or the pupil if they are 18 or older), governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- The notification must provide the reason for the cancellation
- The governing board's duty to hold a meeting and consider reinstatement ceases
- Parents/carers (or the pupil if they are 18 or older) will be offered the opportunity to meet with the principal to discuss the cancellation, which will be arranged without delay
- The pupil will be allowed back in academy without delay

Any days spent out of academy as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 academy days permitted in any academy year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 academy days in a academy year or if they will have been so by the time the cancellation takes effect.

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 principal will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom and Oak Academy may be used for this. If the pupil has a special educational need or disability, the principal 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 academy will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the academy will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

4.2 The local governing board

Considering suspensions and permanent exclusions

Responsibilities regarding suspensions and permanent exclusions are delegated to members of the local governing body (LGB) consisting of at least 3 governors.

The members of the LGB have a duty to consider parents/carers'/the pupil's (if they are 18 or older) 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.

Responsibilities regarding exclusions are delegated to nominated members of the LGB. Three members is considered as expected practice, but two governors only can be involved, if applicable.

The nominated members of the LGB have a duty to consider parents/carers'/the pupil's (if they are 18 or older) representations about a suspension or permanent exclusion. They have a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances.

The governing board does not have to arrange such provision for pupils in their final year of compulsory education who do not have any further public exams to sit.

Monitoring and analysing suspensions and exclusions data

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

The governing board will consider:

- How effectively and consistently the academy's behaviour policy is being implemented
- The academy register and absence codes
- Instances where pupils/ students 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/students 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

4.3 The local authority (LA)

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

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

5. Considering the reinstatement of a pupil

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

- The exclusion is permanent
- It is a suspension that would bring the pupil's total number of days out of academy 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 LGB representatives must consider any representations made by parents/carers/the pupil (if they are 18 or older). However, it is not required to arrange a meeting with parents/carers/the pupil and it cannot direct the principal to reinstate the pupil.

Where the pupil has been suspended for more than 5, but not more than 15 academy days, in a single term, and the parents/carers/pupil make representations to the board, the LGB representatives will consider and decide on the reinstatement of a suspended pupil within 50 academy days of receiving notice of the suspension. If the parents/carers/pupil do not make representations, the board is not required to meet and it cannot direct the principal to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil/student missing a public exam or National Curriculum test, LGB representatives 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 LGB representatives 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/carers, or the pupil if they are 18 or older (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 principal
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

Governing board meetings can be held remotely at the request of parents/carers, or pupils if they are 18 or older. See section 9 for more details on remote access to meetings.

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 LGB can either:

- Decline to reinstate the pupil/student, 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 LGB representatives will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the principal 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’.

The clerk will be present when the decision is made.

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 LGB representatives notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents/carers, or the pupil if they are 18 or older
- The principal
- The pupil’s / students’ 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 academy’s

Where an exclusion is permanent and the LGB representatives have 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’/the pupil’s (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 academy days from the date on which notice in writing of the governing board’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 the 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

6. Independent review

If parents/carers/the pupil (if they are 18 or older) apply for an independent review within the legal timeframe, the academy trust will, at their own expense, 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 academy days of notice being given to the parents/carers/pupil by LGB representatives of its decision to not reinstate the pupil/student **or**, if after this time, within 15 academy 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. See section 9 for more details on remote access to meetings.

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 academy governor category and 2 members will come from the principal 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 academy in a paid capacity, disregarding any experience as a academy governor or volunteer
- Current or former academy 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 principals during this time
- Principals or individuals who have been a principal within the last 5 years
- A person may not serve as a member of a review panel if they:
 - Are a member or trustee of the academy trust of the excluding academy
 - Are the principal of the excluding academy, or have held this position in the last 5 years
 - Are an employee of the academy trust, or the governing board, of the excluding academy (unless they are employed as a principal at another academy)

- Have, or at any time have had, any connection with the academy trust, academy, 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 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 academy.

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 principal 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:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- 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 academy 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 academy days
- Any information that the panel has directed the governing board to place on the pupil's educational record

7. Academy registers

A pupil's/student's name will be removed from the academy admission register if:

- 15 academy days have passed since the parents/carers/pupil (if they are 18 or older) were notified of the LGB representatives' decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents/carers/pupil 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 within 15 academy days, the governing board will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's/student's name remains on the academy'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.

Making a return to the LA

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

- The pupil's / students' full name
- The full name and address of any parent/carer with whom the pupil normally resides
- At least 1 telephone number at which any parent/carer 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 academy the pupil will attend, including the name of that academy and the first date when the pupil attended or is due to attend there, if the parents/carers have told the academy the pupil is moving to another academy
- Details of the pupil's new address, including the new address, the name of the parent/carer(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents/carers have informed the academy 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.

8. Returning from a suspension

8.1 Reintegration strategy

Following suspension, or cancelled suspension or exclusion, the academy will put in place a strategy to help the pupil reintegrate successfully into academy life and full-time education.

Where necessary, the academy will work with third-party organisations to identify whether the pupil/student 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 academy life for the pupil/student:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil / student back to academy
- Daily contact in the academy with a designated pastoral professional
- Mentoring by a trusted adult
- Regular reviews with the pupil/student and parents/carers to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil/student, parents/carers and staff of potential external support

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. (3 x 2 weeks)

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.

8.2 Reintegration meetings

The academy will clearly explain the reintegration strategy to the pupil/student in a reintegration meeting before or on the pupil's / students' return to academy. During the meeting the academy will communicate to the pupil that they are getting a fresh start and that they are a valued member of the academy community.

The pupil, parents/carers, a member of senior staff, and any other 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 academy expects all returning pupils and their parents/carers to attend their reintegration meeting, but pupils/students' who do not attend will not be prevented from returning to the classroom.

9. Remote access to meetings

Parents/carers, or pupils if they are 18 or older, can request that a governing board meeting, 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 governing board and the academy trust should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology that will allow them to hear, speak, see and be seen
- All the participants will be able participate fully
- The remote meeting can be held fairly and transparently

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 can't 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 academy will collect data on the following:

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

The data will be analysed every for ever LGB and every Trust Curriculum & Standards meetings.

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

- At academy level
- By age group
- By time of day/week/term
- By cohort characteristics

The academy 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 academy will review its policies in order to tackle it.

The multi-academy 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.

This policy will be reviewed annually.

11. Links with other policies

This policy is linked to our:

- Behaviour & Rewards policy
- SEND policy & SEN information report
- Equality & Diversity Policy
- Anti-Bullying Policy

Appendix 1: independent review panel training

The academy trust must make sure 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 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 principals, 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.



Excellence



Equity



Empowerment



Esteem



A summary of the governing board's duties to consider reinstatement⁶²

Conditions of exclusion

Governing board duties

Does the exclusion meet any of the following conditions?

- It is a permanent exclusion
- It is a suspension that alone, or in conjunction with previous exclusions, will take the pupil's total number of days out of school above 15 for a term. This includes suspensions that total 15.5 days
- It is a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test⁶³

↓ Yes

↓ No

The governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension or permanent exclusion.⁶⁴

⁶⁴ If the pupil will miss a public exam or national curriculum test, the governing board must take reasonable steps to meet **before** the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.

Will the suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?

↓ No

Yes

The governing board must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil.

Has the parent made representations?

↓ Yes

↓ No

The governing board must convene a meeting to consider reinstatement **within 50 school days** of receiving notice of the suspension.

The governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

⁶² Parents on diagram refer to parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

⁶³ The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

⁶⁴ The ability for a chair to review in the case of public exams refers only to maintained schools.