



# Exclusions Policy

Includes suspensions and permanent exclusions

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## 1. Introduction and Rationale

Peterborough Diocese Education Trust's (the Trust) vision is:

**For every child, within our Trust, to experience an excellent education and to realise their God-given potential to flourish.**

In order to flourish, children need an environment that encourages and reinforces good behaviour:

*'start children off on the way they should go and when they are old they will not turn from it.'*

*Proverbs 22:6*

The Trust wants children to live happy and fulfilled lives and to be active learners and active citizens. To enable children to do this, the Trust believes children need to have self-respect and high self-esteem and a sense of individual and collective responsibility. As a Trust, we believe all humans are created in the image of God and therefore have equal rights and responsibilities.

This policy is underpinned by the shared commitment of the Trust, which includes all the academies within it (the academy), to achieve the following important aims:

- To ensure the safety and well-being of all members of the academy community
- To maintain an appropriate education environment in which all can learn and succeed.

The Trust's Written Statement of Behaviour Principles, and what is expected in terms of behaviour, can be found in the Behaviour Policy. However, it is recognised that, unfortunately, sometimes behaviour can result in the need for appropriate action to be taken. For the vast majority of pupils, suspension and permanent exclusion may not be necessary, as other strategies can manage behaviour. However, if approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm and supportive environments. This policy sets out the process we will follow in such circumstances.

The Trust also aims to ensure that, where suspensions / exclusions take place, the process is:

- Applied fairly and consistently
- Understood by directors, governors, staff, parents / carers and pupils.

### Responsibilities

- Headteacher - only the headteacher or acting headteacher can suspend or permanently exclude a pupil from the academy
- Academy Improvement Officers – monitor the lawful use of suspensions
- Academy Governance Committees (AGCs) - are responsible for considering representations / reinstatement as detailed in this policy
- The Trust Board – is the accountable body for suspensions and permanent exclusions and monitors them through the Education Committee.

## 2. Legislation and Statutory Guidance

2.1 All parties involved in suspensions / exclusions including; the Trust's directors, the Central Team, headteachers, parents/carers, governors and Independent Review Panels, must have regard to the statutory guidance (*see below*). This policy aims to set out rights and responsibilities, around suspension / exclusion, with clarity to ensure that all suspension / exclusion proceedings are conducted in a fair, lawful, reasonable and just manner.

2.2 This policy is based on:

- Statutory guidance from the Department for Education: [Suspensions and Permanent Exclusions](#) from maintained schools, academies and pupil referral units in England, including pupil movement
- The following legislation, which outline schools'/academies powers to exclude pupils:
  - the Education Act 2002, as amended by the Education Act 2011
  - The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- In addition:
  - the [Education and Inspections Act 2006](#)
  - the [Education Act 1996](#)
  - 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](#).

2.3 This policy complies with the Trust's funding agreement and articles of association.

## 3. Types of Exclusion

In all cases an exclusion must only be on disciplinary grounds.

There are two types of exclusion:

- **Suspension** (the term suspension is a reference to what is described in the legislation as an exclusion for a fixed period); and
- **Permanent exclusion**

For clarity, this policy will refer to suspensions and permanent exclusions.

### 3.1 Suspension

A suspension, where a pupil is temporarily removed from the academy, is an essential behaviour management tool. A pupil may be suspended for one or more fixed periods (**up to a maximum of 45 school / academy days in a single academic year**). A suspension does not have to be for a continuous period.

3.1.2 A suspension may be used to provide a clear signal of what is unacceptable behaviour, as part of the school's behaviour policy. Where suspensions are becoming a regular occurrence for a pupil, headteachers should consider whether suspension alone is an effective sanction

for the pupil and whether additional strategies need to be put in place to address behaviour.

- 3.1.3 It is important that during a suspension, pupils still receive their education. Headteachers should take steps to ensure that work is set and marked for pupils during the first five academy days of a suspension. This can include utilising any online pathways / resources such as Google Classroom or Oak National Academy. The academy's legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support children with SEND during this period.
- 3.1.4 **Whenever a pupil is sent home, due to disciplinary reasons, this should always be recorded as a suspension.**
- 3.1.5 A suspension can also be for parts of the academy day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the academy premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the headteacher's duty to notify parents / carers, **apply in all cases**. Lunchtime suspensions are counted as half an academy day in determining whether an Academy Governance Committee (AGC) meeting is triggered.
- 3.1.6 The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

### 3.2 Permanent Exclusion

- 3.2.1 A decision to permanently exclude will only be taken:

In response to a serious breach or persistent breaches of the academy's behaviour policy,  
**and**

Where allowing the pupil to remain in the academy would seriously harm the education or welfare of the pupil or others such as staff or pupils in the academy.

- 3.2.2 Permanent exclusion is a **last resort** when all alternatives have been considered and all strategies to change behaviour have failed. A headteacher should, as far as possible, avoid permanently excluding any pupil with an EHC Plan or a looked after child.
- 3.2.3 For any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five academy days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered. *See paragraph 3.1.3 above* for further guidance on utilising online pathways and the potential significance of SEND law.

## 4. Setting a Clear Process for Suspensions and Permanent Exclusions

Headteachers should set a clear process for exclusions by:

- Adopting a reliable method for monitoring the 45 day suspension rule, including suspensions received from other schools / academies
- Ensuring there is a formal process for informing parents / carers, social worker (where relevant), AGC and local authority, clearly setting out all reasons for the suspension or permanent exclusion
- Providing up-to-date links to sources of impartial advice for parents / carers
- Reintegrating suspended or permanently excluded pupils and supporting pupils' future behaviour
- Ensuring a formal process for arranging, at short notice, suitable full-time alternative education for pupils receiving suspensions over five academy days.

## 5. The Decision to Suspend or Permanently Exclude

5.1 Only the headteacher or acting headteacher can suspend or permanently exclude a pupil from the academy and this must be on disciplinary grounds. For guidance on incidents that may result in an exclusion – see **Appendix 1**.

5.2 **Before deciding** whether to suspend or permanently exclude a pupil, the headteacher will:

- Consider all the relevant facts and evidence, including the intention and motivation and whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events if appropriate
- Consider if the pupil has special educational needs (SEND)
- Consider if the pupil is looked after
- Consider if there are safeguarding concerns
- Consider an off-site direction or a managed move – *see paragraph 5.3 below*
- Consult with the Trust's Central Executive Team if there is a possibility of a permanent exclusion.

### 5.3 Off-site Directions, Alternative Provision and Managed Moves

Headteachers should also consider an off-site direction (temporary measure that academies can use) or a managed move (permanent measure) as preventative measures to exclusion.

- 5.3.1 Any use of Alternative Provision (AP) should be based on an understanding of the support a child needs in order to improve their behaviour, as well as any SEND or health needs. Off-site direction may only be used as a way to improve future behaviour and not as a sanction or punishment for past misconduct. Off-site direction should only be used where in-academy interventions and / or outreach have been unsuccessful or are deemed inappropriate and should only be used to arrange a temporary stay in AP.
- 5.3.2 The AGC must have regard to the Alternative Provision: Statutory guidance for local authorities, headteachers and governing bodies when arranging suitable education for a suspended pupil under section 100 of the Education and Inspections Act 2006.

- 5.3.3 The nature of the intervention, its objectives, and the timeline to achieve these objectives should be clearly defined and agreed with the provider upfront. The plan should then be frequently monitored and reviewed. Pupils must continue to receive a broad and balanced education, and this will support reintegration into mainstream schooling.
- 5.3.5 For more detailed information on off-site direction and managed moves – [see \*Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement\* – paragraphs 35 – 46 and 47 - 51.](#)

## 6. Off-rolling and Unlawful Exclusions (Suspensions and Permanent Exclusions)

- 6.1 Telling or forcing a pupil to leave the academy, or not allowing them to attend, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave the academy, or forbidden from attending, on disciplinary grounds, this **must** be done in accordance with this Policy. **An informal or unofficial exclusion, such as sending a pupil home 'to cool off', is unlawful when it does not follow the formal academy exclusion process and regardless of whether it occurs with the agreement of parents / carers.**
- 6.2 Suspending a pupil for a short period of time, such as half a day, is permissible, however the formal suspension process as set out below must be followed.
- 6.3 It would also be unlawful to suspend or permanently exclude a pupil simply because they have SEN or a disability that the academy feels it is unable to meet, or for a reason such as: academic attainment/ability; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.
- 6.4 If any of these unlawful exclusions are carried out and lead to the deletion of a pupil's name from the register, this is known as 'off-rolling'. The Trust is aware that off-rolling is unlawful.

Ofsted defines off-rolling as:

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

- 6.5 A further example of off-rolling would be exercising undue influence over a parent to remove their child from the academy under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or to find another school / academy place.

## 7. What to do Following a Decision to Suspend / Permanently Exclude

### 7.1 Suspensions

- 7.1.1 **Five or fewer academy days in any one term (or 10 or fewer lunch-times or half days):**

The **headteacher must:**

- Without delay notify\* parents / carers of the period of the suspension and the reason(s) for it
- Without delay provide the following information, **in writing**, to the parents / carers of a suspended pupil:
  - the reason(s) for the suspension
  - the period of the suspension
  - if the pupil is of compulsory school age, that they are legally required to ensure that their child is not present in a public place during school / academy hours without a good reason. If they fail to do this, they may be given a fixed penalty notice or prosecuted
  - what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to the academy
  - about the parents' / carers' right to make representations about the suspension to the academy's Academy Governance Committee (AGC)
  - how any representations should be made; and
  - draw attention to relevant sources of free and impartial information. This information should include the information set out in **Appendix 2**

*(\*The DfE guidance states that notification should be in person or by telephone in the first instance as this would allow parents / carers to ask any initial questions or raise concerns directly with the headteacher, although this must not delay notification.)*

*(# Written notification of the information above can be provided by delivering it directly to the parents / carers, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents / carers have given written agreement for this kind of notice to be sent in this way.)*

- Without delay notify the following of the suspension, the period of the suspension and the reason(s) for it:
  - the Local Authorities (For Northamptonshire academies [Exclusions - Schools and education \(northamptonshire.gov.uk\)](https://www.northamptonshire.gov.uk/exclusions) explains how to notify)
  - the social worker, if the pupil has one; and
  - the VSH, if the pupil is LAC
- Report to the governors, (usually at the AGC meeting as notification must be given once per large term of such suspensions), including the reasons and duration of the suspension; and
- Record on the academy's Management Information System (MIS).

Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days, the academy should take reasonable steps to set and mark work for the pupil. Online pathways / resources such as Google Classroom or Oak Academy can be used but the academy should ensure that the work set is accessible and achievable by the pupil outside the academy.



The **AGC must:**

- Consider any representations made by parents / carers, but it cannot direct reinstatement and is not required to arrange a meeting with parents / carers.

### 7.1.2 6 to 15 school days in any one term (singly or cumulatively):

The **headteacher must:**

- Without delay notify\* parents / carers of the period of the suspension and the reason(s) for it
- Without delay provide the following information, **in writing**, to the parents / carers of a suspended pupil
  - the reason(s) for the suspension;
  - the period of the suspension;
  - if the pupil is of compulsory school age, that for the first five days of the suspension they are legally required to ensure that their child is not present in a public place during school / academy hours without a good reason. If they fail to do this, they may be given a fixed penalty notice or prosecuted;
  - what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to the academy;
  - about the parents'/carers' right to make representations about the suspension to the academy's Academy Governance Committee (AGC);
  - that, if they make representations, they have a right to attend a meeting, to be represented at that meeting (at their own expense) or to bring a friend;
  - how any representations should be made; and
  - draw attention to relevant sources of free and impartial information. This information should include the information set out in **Appendix 2**.

*(\*The DfE guidance states that notification should be in person or by telephone in the first instance as this would allow parents / carers to ask any initial questions or raise concerns directly with the headteacher, although this must not delay notification.)*

*(# Written notification of the information above can be provided by delivering it directly to the parents / carers, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents / carers have given written agreement for this kind of notice to be sent in this way.)*

- Without delay notify the following of the suspension, the period of the suspension and the reason(s) for it:
  - AGC
  - the Local Authorities (For Northamptonshire academies [Exclusions - Schools and education \(northamptonshire.gov.uk\)](https://www.northamptonshire.gov.uk/exclusions) explains how to notify)
  - the social worker, if the pupil has one; and
  - the VSH, if the pupil is LAC
- Record on the academy's Management Information System (MIS).

Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days, the academy should take reasonable steps to set and mark work for the pupil. Online pathways / resources such as Google Classroom or Oak Academy can be used but the academy should ensure that the work set is accessible and achievable by the pupil outside the academy.

- Arrange alternative provision **from Day 6** and include the following information when notifying parents / carers:
  - 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 on the first day of suspension, it may be provided in a subsequent notice, but it **must** be provided 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 suspension, in which case the information can be provided with less than 48 hours' notice with parents' / carers' consent.

Where a LAC is suspended, the academy should document the provision of immediate suitable education in the pupil's PEP.

The **AGC must:**

- Consider and decide within **50 academy days** of receiving the notice of suspension whether the suspended pupil should be reinstated if parents / carers make representations. In the absence of any representations from the parents / carers, the AGC is not required to meet and cannot direct the reinstatement of the pupil.

If the AGC is required to meet and the pupil has a social worker, then they should be invited to the meeting and if the pupil is a LAC, then the VSH should be invited to the meeting.

### **7.1.3 More than 15 days in total in one term (singly or cumulatively)**

The **headteacher must:**

- Take the actions set out above for '6-15 days' – *see paragraph 7.1.2*
- Inform parents / carers that they have a right to attend a meeting, to be represented at that meeting (at their own expense) or to bring a friend.

The **AGC must:**

- consider and decide on the reinstatement of the suspended pupil within **15 academy days** of receiving notice of a suspension from the headteacher.

If the pupil has a social worker, then they should be invited to the meeting and if the pupil is a LAC, then the VSH should be invited to the meeting.

## 7.2 Permanent Exclusions

The **headteacher must:**

- Without delay notify\* parents / carers of the permanent exclusion and the reason(s) for it
- Without delay provide the following information, **in writing**, to the parents / carers:
  - the reason(s) for the permanent exclusion
  - the fact the exclusion is permanent
  - if the pupil is of compulsory school age, that for the first five days of an exclusion they are legally required to ensure that their child is not present in a public place during school / academy hours without a good reason. If they fail to do this, they may be given a fixed penalty notice or prosecuted
  - what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to the academy
  - about the parents' / carers' right to attend a meeting and make representations about the permanent exclusion to the academy's Academy Governance Committee (AGC)
  - that they have a right to be represented at that meeting (at their own expense) or to bring a friend
  - how any representations should be made; and
  - draw attention to relevant sources of free and impartial information. This information should include the information set out in **Appendix 2**.

*(\*The DfE guidance states that notification should be in person or by telephone in the first instance as this would allow parents / carers to ask any initial questions or raise concerns directly with the headteacher, although this must not delay notification.)*

*(# Written notification of the information above can be provided by delivering it directly to the parents / carers, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents / carers have given written agreement for this kind of notice to be sent in this way.)*

- Without delay notify the following of the permanent exclusion and the reason(s) for it:
  - AGC
  - the Local Authority (For *Northamptonshire academies* [Exclusions - Schools and education \(northamptonshire.gov.uk\)](https://www.northamptonshire.gov.uk/exclusions-schools-and-education) explains how to notify)
  - the social worker, if the pupil has one
  - the VSH, if the pupil is LAC); and
  - if the pupil lives outside the LA area in which the academy is located, the pupil's 'home authority'
- Record on the academy's Management Information System (MIS).

The **AGC must**:

- Consider and decide on the reinstatement of the permanently excluded pupil within **15 academy days** of receiving notice of permanent exclusion from the headteacher.

If the pupil has a social worker, then they should be invited to the meeting and if the pupil is a LAC, then the VSH should be invited to the meeting.

For permanent exclusions, the **LA must** arrange suitable full-time education to begin from the sixth day after the first day the permanent exclusion took place.

### 7.3 Any exclusion that would result in a pupil missing a public examination (SATS)

The procedures under the section on 'More than 15 days in total in one term (singly or cumulatively)' – *see paragraph 7.1.3* should be followed but, in addition, the AGC **must**, so far as is reasonably practicable, consider the exclusion before the date of the exam / test.

## 8. Review of Decisions to Suspend or Permanently Exclude

The Trust has delegated the duty to consider reinstatement following certain suspensions and permanent exclusions to the academy's Academy Governance Committee (AGC). The AGCs duties are as follows:

### 8.1 Suspensions

#### 8.1.1 Five or fewer academy days in any one term (or 10 or fewer lunch-times or half days):

If parents' / carers' make representations the AGC:

- **Must** consider any representations made by parents / carers but cannot direct reinstatement and is not required to arrange a meeting with parents
- Should consider whether it would be appropriate to place a note of their findings on the pupil's educational record.

#### 8.1.2 6 to 15 academy days in any one term:

If parents / carers make representations, the AGC **must**:

- Consider the reinstatement of the suspended pupil within **50 academy days** of receiving notice of the suspension. (In the absence of any representations from parents / carers the AGC is not required to meet and cannot direct reinstatement of the pupil)
- Invite to the meeting the following parties and allow them to make representations or share information:
  - parents / carers (and, where requested, a representative or friend)
  - the headteacher
  - the child's social worker if the pupil has one; and
  - the VSH if the child is LAC

- Either:
  - decline to reinstate the pupil, or
  - direct reinstatement of the pupil immediately, or on a particular date
- In reaching a decision:
  - consider both the interests and circumstances of the suspended pupil, and that of other pupils, staff, and academy community
  - consider whether the decision to suspend was lawful, reasonable and procedurally fair. This should consider the welfare and safeguarding of the pupil and their peers, the headteacher's legal duties, and any evidence that was presented to the AGC in relation to the decision to suspend
  - decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt' (*see paragraph 12 below*), as well as any evidence that was presented in relation to the decision to suspend
- Without delay notify the following of the decision and the reasons for it:
  - the Headteacher
  - the Local Authority (For *Northamptonshire academies* [Exclusions - Schools and education \(northamptonshire.gov.uk\)](https://www.northamptonshire.gov.uk/exclusions) explains how to notify)
  - the social worker, if the pupil has one
  - the VSH, if the pupil is LAC); and
  - if the pupil lives outside the LA area in which the academy is located, the pupil's 'home authority'.

Minutes will be taken of the meeting as a record of evidence considered by the AGC. The minutes should be made available to all parties on request and the record of discussion should clearly state how the decisions have been reached.

The outcome will also be recorded on the pupil's educational record and copies of relevant papers should be kept with the educational record.

### 8.1.3 More than 15 days in total in one term (singly or cumulatively)

The AGC **must**:

- Invite the following parties to an AGC meeting and allow them to make representations or share information:
  - parents / carers (and, where requested, a representative or friend)
  - the headteacher
  - the child's social worker if the pupil has one; and
  - the VSH if the child is LAC
- Consider and decide on the reinstatement of the suspended pupil within **15 academy days** of receipt of notice of suspension from the headteacher, whether or not the parent(s) / carer(s) make representations
- Either:
  - decline to reinstate the pupil; or
  - direct reinstatement of the pupil immediately, or on a particular date
- In reaching a decision:

- consider both the interests and circumstances of the suspended pupil, and that of other pupils, staff, and academy community
- consider whether the decision to suspend was lawful, reasonable and procedurally fair. This should consider the welfare and safeguarding of the pupil and their peers, the headteacher's legal duties, and any evidence that was presented to the AGC in relation to the decision to suspend
- decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt' (*see paragraph 12 below*), as well as any evidence that was presented in relation to the decision to suspend
- Without delay notify the following of the decision and the reasons for it:
  - the Headteacher
  - the LA (For *Northamptonshire academies* [Exclusions - Schools and education \(northamptonshire.gov.uk\)](https://www.northamptonshire.gov.uk/exclusions-schools-and-education) explains how to notify)
  - the social worker, if the pupil has one
  - the VSH, if the pupil is LAC); and
  - if the pupil lives outside the LA area in which the academy is located, the pupil's 'home authority'.

Minutes will be taken of the meeting as a record of evidence considered by the AGC. The minutes should be made available to all parties on request and the record of discussion should clearly state how the decisions have been reached.

The outcome will also be recorded on the pupil's educational record and copies of relevant papers should be kept with the educational record.

## 8.2 Permanent Exclusion

The **AGC must:**

- Invite the following parties to an AGC meeting and allow them to make representations or share information:
  - parents / carers (and, where requested, a representative or friend)
  - the headteacher
  - the child's social worker if the pupil has one; and
  - the VSH if the child is LAC
- Consider and decide on the reinstatement of the permanently excluded pupil within **15 academy days** of receipt of notice of permanent exclusion from the headteacher, whether or not the parent(s) / carer(s) make representations
- Either:
  - decline to reinstate the pupil; or
  - direct reinstatement of the pupil immediately, or on a particular date
- In reaching a decision:
  - consider both the interests and circumstances of the permanently excluded pupil, and that of other pupils, staff, and academy community
  - consider whether the decision to permanently exclude was lawful, reasonable and procedurally fair. This should consider the welfare and safeguarding of the pupil and their peers, the headteacher's legal duties, and any evidence that was presented to the AGC in relation to the decision to permanently exclude

- decide whether or not a fact is true ‘on the balance of probabilities’, which differs from the criminal standard of ‘beyond reasonable doubt’ (see *paragraph 12* below), as well as any evidence that was presented in relation to the decision to permanently exclude
- If it decides **not to reinstate** the pupil, ensure its notification includes the following:
  - the fact that the exclusion is permanent
  - notice of parents’ / carers’ right to ask for the decision to be reviewed by an independent review panel (IRP), and:
    - the date by which an application for a review must be made (i.e. 15 academy days from the date on which notice in writing of the AGCs decision is given to parents / carers)
    - where and to whom 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, reference to how the pupil’s SEN are considered to be relevant to the permanent exclusion
    - that, regardless of whether the permanently excluded pupil has recognised SEN, parents / carers have a right to require the Trust to appoint a 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, in addition to the right to apply for an IRP, 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
    - that a claim of discrimination under the Equality Act made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place (e.g. the day on which the pupil was permanently excluded)
- Without delay notify the following of the decision and the reasons for it:
  - the Headteacher
  - the Local Authority (For *Northamptonshire academies* [Exclusions - Schools and education \(northamptonshire.gov.uk\)](https://www.northamptonshire.gov.uk/exclusions-schools-and-education) explains how to notify);
  - the social worker, if the pupil has one
  - the VSH, if the pupil is LAC); and
  - if the pupil lives outside the LA area in which the academy is located, the pupil’s ‘home authority’.

Minutes will be taken of the meeting as a record of evidence considered by the AGC. The minutes should be made available to all parties on request and the record of discussion should clearly state how the decisions have been reached.



The outcome will also be recorded on the pupil's educational record and copies of relevant papers should be kept with the educational record.

### 8.3 If a suspension / permanent exclusion means that a pupil will miss a public exam (SAT)

The AGC **must**:

- Consider the reinstatement of a suspended / permanently excluded pupil within **15 academy days** of receiving the notice of suspension / permanent exclusion but will try to meet before the date of the exam / test
- Either:
  - decline to reinstate the pupil, or
  - direct the reinstatement of the pupil immediately, or on a particular date
- In reaching a decision:
  - consider both the interests and circumstances of the suspended / permanently excluded pupil, and that of other pupils, staff, and academy community
  - consider whether the decision to suspend / permanently exclude was lawful, reasonable and procedurally fair. This should consider the welfare and safeguarding of the pupil and their peers, the headteacher's legal duties, and any evidence that was presented to the AGC in relation to the decision to suspend / permanently exclude
  - decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt' (see *paragraph 12* below), as well as any evidence that was presented in relation to the decision to suspend / permanently exclude
- Without delay notify the following of the decision and the reasons for it:
  - the Headteacher
  - the Local Authority (For *Northamptonshire academies* [Exclusions - Schools and education \(northamptonshire.gov.uk\)](https://www.northamptonshire.gov.uk/exclusions-schools-and-education) explains how to notify)
  - the social worker, if the pupil has one
  - the VSH, if the pupil is LAC) and
  - if the pupil lives outside the LA area in which the academy is located, the pupil's 'home authority'.

Minutes will be taken of the meeting as a record of evidence considered by the AGC. The minutes should be made available to all parties on request and the record of discussion should clearly state how the decisions have been reached.

The outcome will also be recorded on the pupil's educational record and copies of relevant papers should be kept with the educational record.

## 9. Cancelling Suspensions or Permanent Exclusions

The headteacher may cancel any suspension or permanent exclusion that has already begun, but this should **only** be done where it has not yet been reviewed by the AGC – *for details on what to do if an exclusion is cancelled – see: [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#) - paragraph 13.*



## 10. Reinstatement

- 10.1 See above in relation to the AGC's responsibilities generally. Where, however, reinstatement would make no practical difference because for example, the pupil has already returned to the academy following the expiry of a suspension or the parents / carers make clear they do not want their child reinstated, the AGC **must** still meet to consider whether the pupil should or would have been officially allowed back into the academy.
- 10.2 If at any time an AGC decides against reinstatement of a pupil who has been permanently excluded the parents can request an independent review – *see paragraph 11 below.*

## 11. An Independent Review

- 11.1 If parents / carers apply for an independent review within the legal time frame, the Trust will arrange for an IRP hearing to review the decision of the AGC not to reinstate a permanently excluded pupil.
- 11.2 Applications for an independent review must be made within **15 academy days** of notice being given to the parents / carers by the AGC of its decision not to reinstate a permanently excluded pupil.
- 11.3 For details of the process – *see Parts 9-11 of [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement.](#)*

## 12. Principles of Natural Justice

- 12.1 All factual determinations are based on a balance of probabilities, both by headteachers and at any subsequent review. This means that the headteacher / review panel should accept that something happened if it is more likely that it happened than that it did not happen. In making their decisions to exclude, headteachers must ensure that their decisions are fair, based on the facts of the incident and do not include any elements of discrimination.
- 12.2 The AGCs / members of IRPs should be impartial, unprejudiced and have taken no previous part in the specific case. They will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.
- 12.3 The headteacher and AGC **must** comply with their statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the SEND Code of Practice.

## 13. Recording and Monitoring

- 13.1 Academies are responsible for recording all exclusions on the academy's relevant Management Information System (MIS) in a timely manner and keeping careful track of suspensions that total more than 15 days in a term.

- 13.2 Suspension and permanent exclusion data across the Trust will be monitored through each academy's MIS by the Academy Improvement Officers, the Director of Education and subsequently by the Education Committee and the Board of Directors.

## **14. Academy Registers**

### **14.1 Coding**

Where alternative provision has been arranged and is attended at a PRU or independent school where the pupil is dual registered, **Code D** should be used on the attendance register.

Where alternative provision has been arranged and is attended (that does not involve the pupil being registered at any other school / academy), **Code B** should be used.

Where excluded pupils are not attending alternative provision, **Code E** (absent) should be used.

### **14.2 Permanent Exclusions**

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

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

Where an application for an IRP has been made within 15 academy days, the academy must wait until the review has determined, or abandoned, and until the AGC has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register.

## **15. Reintegration After a Suspension or Off-site Direction**

- 15.1 Academies should support pupils to reintegrate successfully into academy life and full-time education following a suspension or period of off-site direction. They should design a reintegration strategy that:

- Offers the pupil a fresh start
- Helps them understand the impact of their behaviour on themselves and others
- Teaches them how to meet the high expectations of behaviour in line with the academy culture
- Fosters a renewed sense of belonging within the academy community; and
- Builds engagement with learning.

- 15.2 The reintegration strategy should be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to the academy. During a reintegration meeting, the academy should communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible this meeting should include the pupil's parents / carers. However, it is important to note that a pupil should not

be prevented from returning to a mainstream classroom if parents / carers are unable or unwilling to attend a reintegration meeting.

- 15.3 To ensure ongoing progress, the strategy should be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents / carers, and other relevant parties.
- 15.4 Where necessary, academies should work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools' team, to identify if the pupil has any SEND and / or health needs.
- 15.5 Academies can consider a range of measures to enable the pupil's successful reintegration which can include, but are not limited to:
  - Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to the academy
  - Daily contact with a designated pastoral professional in-academy
  - Use of a report card with personalised targets leading to personalised rewards
  - Ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress
  - Planned pastoral interventions
  - Mentoring by a trusted adult or a local mentoring charity
  - Regular reviews with the pupil and parents / carers to praise progress being made and raise and address any concerns at an early stage
  - Informing the pupil, parents / carers and staff of potential external support
  - Use of a part-time timetable. This must only be in place for the shortest time necessary. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time, either at the academy or alternative provision. There should also be formal arrangements in place for regularly reviewing it with the pupil and their parents / carers. In agreeing to a part-time timetable, the academy has agreed to a pupil being absent from the academy for part of the week or day and therefore must treat absence as authorised.

## **16. Review**

This policy will be reviewed by the Trust's Education Committee every two years.

## **17. Links with Other Policies**

This policy is linked to the Trust's:

- Behaviour Policy
- SEN Policy and Information Report
- Equality Information and Objectives.

## Appendix 1: Suspension and Permanent Exclusion Considerations

Before deciding to suspend or exclude a child, the Headteacher will give careful consideration to:

- The child's **intention and motivation** in the specific incident or incidents leading to the possibility of suspension or permanent exclusion
- If the child has additional needs, has an EHCP or is looked after.

The following incidents, including during the lunch break, may result in immediate suspension, though this would not be an automatic response. Such suspension would usually be for a fixed period, but in the most extreme circumstances, permanent exclusion may be the appropriate response:

- Serious, actual or threatened intentional physical violence against an adult or child
- Serious, actual or threatened intentional intimidating behaviour against an adult or child
- Extreme verbal aggression deliberately directed at an adult or child
- Possession of alcohol, drugs or cigarettes
- Possession of any prohibited items such as:
  - Knives or weapons
  - Alcohol
  - Illegal drugs
  - Stolen items
  - Tobacco and cigarette papers
  - Fireworks
  - Pornographic images
- Having any article a staff member reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the public)
- Sexual assault, which is any unwanted sexual behaviour that causes humiliation, pain, fear or intimidation
- Sexting
- Theft
- Vandalism
- Arson.

Where other strategies for improving the child's behaviour have failed and the behaviour is **repeated or sustained**, the following may also be grounds for suspension or, in extreme circumstances, permanent exclusion:

- Persistent non-compliant behaviour (to adult requests)
- High level disruption in lessons and at unstructured times
- Repeated breach of the academy rules
- Swearing
- Any form of bullying
- Racist, sexist, homophobic or discriminatory behaviour
- Verbal abuse of / spitting at an adult or child
- Damage to or destruction of property
- Unacceptable behaviour which has previously been reported and for which academy sanctions and other interventions have not been successful in modifying the child's behaviour.

## **Appendix 2 – Relevant Sources of Free and Impartial Information**

- Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Every exclusion letter should include details of the local service which can also be found [here](#)
- Coram’s Child Law Advice service can be accessed through their [website](#) or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the [website](#)
- [Independent Provider of Special Education Advice \(known as IPSEA\)](#) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.