



## **SUSPENSION AND PERMANENT EXCLUSION POLICY**

### **DOCUMENT CONTROL**

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Version	Date	Comments	Author
01	November 2020	New policy	M Relph
02	September 2022	Significant legal updates that schools must take account of when setting out the governing body's/board of trustees' Policy and procedures related to permanent exclusion, suspension rather than fixed term exclusion, offsite direction, and managed moves. Significant updates to language and terminology regarding reasons and the process with new or significantly updated sections including the process, re-instatement, re-integration, appealing, off-rolling and making a complaint.	M Relph

03	November 2023	<p>New guidance and amended regulations about a headteacher's ability to cancel an exclusion before the governing board has met to consider whether the student should be reinstated. This practice is sometimes known as withdrawing or rescinding an exclusion. If this occurs, the parents, the governing board and the local authority, must be notified and, if relevant, the social worker and VSH. Further information on other actions that should take place following a cancelled exclusion is set out in bullet point 11. (page 10)</p> <p>Governing board reinstatement meetings (a meeting where the reinstatement of a student after the decision to suspend/permanently is deliberated) and IRPs can now be held via the use of remote access (for example, live video link) for suspension and permanent exclusions if requested by the parents, provided certain criteria are satisfied. Meetings held via the use of remote access should not be a default option and face to face meetings should always be encouraged. Further information is set out in Part Eleven.</p> <p>Replacement of term 'pupil' with 'student'</p> <p>Clarification of wording regarding reinstatement meetings</p>	J. Rush
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## CONTENTS

<b>1. Policy Statement.....</b>	<b>1</b>
<b>2. Reasons for Suspension or Permanent Exclusion.....</b>	<b>2</b>
<b>3. Deciding to Suspend or Permanently Exclude .....</b>	<b>3</b>
<b>4. The Suspension and Exclusion Process .....</b>	<b>4</b>
4.1 Suspension .....	4
4.2 Off-site Direction .....	8
4.3 Managed Move .....	9
4.4 Permanent Exclusion .....	10
<b>5. Re-instatement.....</b>	<b>10</b>
<b>6. Appealing to an Independent Review Panel .....</b>	<b>13</b>
<b>7. Reintegration.....</b>	<b>15</b>
<b>8. Suspension or Exclusion of a Child who has Special Educational Needs or Disabilities .....</b>	<b>15</b>
<b>9. Marking Attendance Registers and Off-rolling Students .....</b>	<b>16</b>
<b>10. Making a Complaint .....</b>	<b>16</b>

## 1. **POLICY STATEMENT**

West Lakes Academy is committed to our positive approach to encouraging good behaviour which is essential to ensure all students can benefit from the educational opportunities we provide and reach their full potential.

The government supports Principals/Headteachers in using suspension, direction offsite, managed moves, and permanent exclusion as essential behaviour management tools when warranted as part of creating a calm, safe, and supportive environment in which all students can learn and thrive. This means that suspension or permanent exclusion is sometimes a necessary last resort of our system, where it is accepted that not all student behaviour can be changed by pastoral processes, or consequences in the academy.

We recognise our responsibility to communicate clearly to students, staff, and parents, our behaviour expectations, and the responsibility of all individuals working with students to ensure that no suspension or exclusion will be initiated without first exhausting other strategies, or in the case of a serious incident, a thorough investigation. Information about this Policy and procedures is included in the induction process for new admissions to our academy, is published on the academy website, and a copy can be obtained by contacting the academy's reception.

Whilst suspension or exclusion may be an appropriate sanction, our Principal will investigate whether any contributing factors may have led to the incident/s of poor behaviour e.g. bereavement, mental health issues, or bullying. We have a range of policies and procedures in place to promote good behaviour and appropriate conduct, we take steps to access local support services like Inclusion Support Officers and Early Help Services, and we strive to foster good parental engagement. For more information about the strategies we use and resources available to help us manage behaviour, please see our Behaviour Policy and procedures.

This policy describes the arrangements and procedures for suspending or permanently excluding a student from the academy on disciplinary grounds and is in line with the 2023 statutory guidance [Suspension and permanent exclusion guidance September 2023 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/115444/suspension-and-permanent-exclusion-guidance-september-2023.pdf)

It should be read in conjunction with the academy's Behaviour Policy which sets out in more detail the disciplinary grounds that may lead to suspension or exclusion and others where relevant e.g. our Single Equality Policy, Special Educational Needs and Disabilities Policy.

During a local or national emergency which significantly impacts on the ability of our governing body/board of trustees to meet to discharge their legal duties regarding suspensions and exclusions, an Addendum to this Suspension and Exclusion Policy may become necessary and we will follow relevant Department for Education (DfE) statutory guidance in place at that time to devise it. It will describe any temporary changes made to our academy suspension or exclusion process due to the emergency and must be read in conjunction with this Policy.

## Policy Definitions

<b>Parent</b>	A child's birth parents or anyone who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives ( <a href="#">Education Act 1996</a> ). Where possible, all those with parental responsibility will be involved in the suspension or exclusion process.
<b>Relevant person</b>	The parent (or the student if aged 18 or over) that this academy has legal obligations to under <a href="#">The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012</a> .
<b>Term</b>	The autumn, spring, or summer terms of the academic year.
<b>Academic year</b>	Our academic year beginning with the first day of school after 31 July and ending with the first day of school after the following 31 July.
<b>Suspension</b>	“exclusion (from the academy) for a fixed period” <sup>1</sup> for a student for one or more fixed periods of time up to a maximum of 45 school days in a single academic year.
<b>Permanent exclusion</b>	When a student is no longer allowed to attend a school (unless the student is reinstated) <sup>1</sup> .
<b>Managed move</b>	A voluntary process which leads to the transfer of a student to another mainstream school permanently.
<b>Off-site direction</b>	When the governing body of a maintained school requires a student to attend another education setting to improve their behaviour. The board of trustees of an academy or multi-academy trust, not included in the legislation, can also use ‘off-site direction’.
<b>Alternative Provision (AP)</b>	Suitable full-time education arranged for a student from the sixth school day (or earlier) of a suspension or the sixth school day (or earlier) after the first day of a permanent exclusion under s100 of the <a href="#">Education and Inspections Act 2006</a> OR Education arranged for students who are unable to attend a mainstream or special school and who are not educated at home, whether for behavioural, health, or other reasons. Either can include Student Referral Units (PRUs), AP academies and free schools, and hospital schools, or independent, registered, unregistered, and further education settings.

## 2. REASONS FOR SUSPENSION OR PERMANENT EXCLUSION

Only the Principal of this academy can suspend or permanently exclude a student on disciplinary grounds.

We use suspension to clearly signal what is unacceptable behaviour in line with our Behaviour Policy to show a student that their current behaviour is putting them at risk of permanent exclusion.

The decision to suspend or permanently exclude a student will only be taken:

- in response to a serious breach or persistent breaches of our Behaviour Policy, or
- where allowing the student to remain in the academy would seriously harm the education or welfare of other people or the student themselves in the academy.

While the following is not a definitive list, examples of the types of circumstances that may warrant a suspension or permanent exclusion include:

- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Use, carrying, or threat of use, of an offensive weapon or item prohibited by our Behaviour Policy
- Consumption, possession or supply of an illegal drug including new psychoactive substances (NCP) formally known as legal highs
- Consumption of alcohol on site
- Arson
- Persistent refusal to follow academy rules – breakdown in ability to follow academy rules

When reporting to the DfE, we can give up to 3 reasons for each suspension or permanent exclusion.

### **3. DECIDING TO SUSPEND OR PERMANENTLY EXCLUDE**

When we decide to suspend or permanently exclude a student from the academy, we will:

- Take account of our legal duty of care when sending a student home.
- Establish the facts in relation to the decision according to the civil burden of proof i.e. on 'the balance of probabilities' (whether the breach more than likely did, than did not, happen) and not the criminal burden of proof, 'beyond reasonable doubt'.
- Take care in the process not to discriminate against, harass or victimise students because of sex, race, disability, religion or belief, sexual orientation, pregnancy/maternity, or gender reassignment and make reasonable adjustments to ensure everyone can participate in the process, including where a difficulty may be due to English not being a parent's first language.
- Communicate without delay in person or by telephone in the first instance to give parents an opportunity to ask questions or raise concerns with the Principal.
- Communicate decisions clearly and in writing by delivering any written notification of the decision to suspend or permanently exclude a student in-person directly to their parents, by leaving it at their usual or last known home address, or by posting it to that address but with all due regard for necessary reasonable adjustments as above. We will only make this kind of notification via email, secure app, or another agreed electronic method if we have a written agreement with parents that we can.
- Notify the governing body/board of trustees, the local authority, and the student's home authority so that they can arrange continuing education if different from the academy's (to include reporting to governors/trustees once per term of any other suspensions they have not previously been notified of).

- Within 14 days of a request, provide the Secretary of State for education with information about any exclusions within the last 12 months.

## **4. THE SUSPENSION AND EXCLUSION PROCESS**

### **4.1 Suspension**

A suspension, where a student is temporarily removed from this academy and must stay at home can be for one or more fixed periods of time, up to a maximum of 45 school days in a single academic year and does not have to be continuous periods.

A suspension can be for parts of the academy day. For example, if a student's behaviour at lunchtime is disruptive, they may be suspended from the academy premises for the duration of the lunchtime period. Lunchtime suspensions are counted as half a school day in determining whether a governing body/board of trustees meeting is triggered.

We aim to make a suspension the shortest time necessary to ensure minimal disruption to the child's education, whilst being mindful of the seriousness of the breach of Policy that led to it.

A suspension cannot be extended or 'converted' to 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.

**When the decision is made to suspend a student from the academy, the Principal will:**

**1) Inform parents without delay** explaining the reason(s) for the suspension and how long it will last. This is usually done in person or by telephone by the end of the afternoon session on the first day of the suspension (or permanent exclusion) at the latest.

**2) Notify parents in writing** without delay of the following information:

- the reason(s) for the suspension and how long it will last;
- that during the first 5 days of any suspension, the student must not be in a public place during academy hours and if parents fail to ensure this without reasonable justification, they will be committing an offence and may be given a fixed penalty notice or be prosecuted;
- If alternative provision of full-time education is being arranged and, if it can reasonably be found out within the timescale, the following details:
  - ☐ the start date for any provision,
  - ☐ the start and finish times, including the times for morning and afternoon sessions if relevant,
  - ☐ the address at which the provision will take place, and
  - ☐ any information the student needs to identify the person they should report to on the first day.



- the parents' right to make representations about the suspension to the governing body/board of trustees and how the student can be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the governing body/board of trustees to consider the suspension, that parents (or a student if they are 18 years old) have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

This academy understands how important it is to write legally correct letters about suspension and permanent exclusion and the process so we will use templates provided or recommended to us by our local authority. We also understand that failure to notify a parent regarding being in a public place and the penalties, or about alternative provision by the required time does not relieve our Principal of the duty to serve the notice.

A notice will not be considered invalid solely because it has not been given by the required time.

If information will be sent home with the student, our Principal will consider sending a duplicate copy by an alternative method or confirming that the information has been received.

**3) Provide information** about relevant sources of free and impartial information including:

- [Coram's Child Law Advice service](#) website - Tel.: 0300 330 5485 - Monday to Friday, 8am-6pm.
- [ACE Education](#) website - Tel.: 0300 0115 142 - Monday to Wednesday, 10am-1pm during term time.
- [Independent Provider of Special Education Advice \(IPSEA\)](#) website, a registered charity offering 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 and disabilities (SEND).
- The SEN or SEND Information Advice & Support Services Network (formerly known as the local parent partnership e.g. [About Cumbria SENDIASS](#), [SENDIAS Home - Lancashire SEND \(lancssendias.org.uk\)](#)) and links to other relevant local services for families.

**4) Ensure that the student still receives their education** by taking steps to ensure that work is set and marked for the first five school days of a suspension (or until the start date of any full-time alternative provision or the end of the suspension if this is earlier). This can include using Google Classroom.

**5) Ensure that arrangements are in place for Alternative Provision (AP) of education** for a student from the 6th day of their suspension if it is for more than 5 days (or if consecutive shorter suspensions have now accumulated to more than 5 days).

If information about this alternative provision was not communicated to parents because it was not available by the end of the afternoon session on the first day of the suspension (or permanent exclusion), we will ensure they receive written notice without delay and no later than 48 hours before the AP is due to start. The only exception is where AP will be provided *before* the sixth day of a suspension or permanent exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

We will not make alternative provision for a student who is suspended (or permanently excluded) if the student is in their final year of compulsory education and does not have any further public examinations to sit.

- 6) Inform other key workers** such as the Virtual School Head (VSH) if the student is a Looked After Child and their social worker if they have one, without delay after the decision.

Both the social worker and/or VSH, will be informed when a governing body/board of trustees meeting is taking place, so that they can share information with us. The social worker and/or the VSH can also attend the governor's meeting where parents make representation if they want to.

- 7) Inform the governing body/board of trustees** without delay of:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the student);
- any suspension or permanent exclusion which would result in the student being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any suspension or permanent exclusion which would result in the student missing a public examination or national curriculum test.

- 8) Inform the local authority** without delay of all school suspensions (regardless of length) or permanent exclusions, including the reason(s) and the duration of suspension or, in the case of permanent exclusion, the fact that it is permanent. For a permanent exclusion, if the student lives outside the local authority area in which the academy is located, the Principal will also notify the student's 'home authority' of the permanent exclusion and the reason(s) for it.

- 9) Arrange a re-integration meeting** on the student's return to the academy where all those concerned can discuss the best way forward.

- 10) Remove permanently excluded students from the academy roll** at the right time.

When a student has disabilities or special educational needs we will make reasonable adjustments in how we support them during this period.

Any time a student is sent home due to disciplinary reasons, including when asked to use online pathways instead of coming to the academy, will always be recorded as a suspension.

Where suspensions are becoming a regular occurrence for a student, we will consider whether suspension alone is an effective sanction for them and whether additional strategies need to be put in place to address behaviour.

**11) Cancelling exclusions.**

The headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the student should be reinstated. Where an exclusion is cancelled:

- The headteacher must notify the parents (1), the governing board, the LA and the student's social worker and VSH as applicable, without delay (2). The notification must also provide the reason for the cancellation.
- The governing board's duty to consider reinstatement (3) ceases, and there is no requirement to hold a meeting to consider reinstatement.
- Parents (or the excluded student if they are 18 years or older) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay.
- The student must be allowed back into the school from which they were excluded without delay.
- Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year.

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

- *1) Parent if the student is under 18 or the excluded student, aged 18 or over. 2) Written notifications of the cancellation and reason for the cancellation can be provided by delivering it directly to the recipient, leaving it at their usual or last known home address, or posting it to that address. A notification to a parent can only be given electronically (e.g. by text message or e-mail) if it is sent to a number or address that the parent has agreed can be used for notifications of this kind. 3) Paragraphs 97 to 107 provide information on when a governing board must consider and decide on the reinstatement of a suspended or permanently excluded student.*

## **12) Requests for remote access meetings for governing board meetings or IRPs.**

Parents (if the student is under 18) or excluded students (if they are aged 18 years or older) can request a meeting to be held via the use of remote access (1) but this should not be a default option. Governing boards or arranging authorities must hold the meeting via the use of remote access if the request has been made correctly as set out in the headteacher's written notification or the governing board's written notification to the parents (2) that they can request an IRP. Holding meetings via remote access must only be done if governing boards or arranging authorities are satisfied (3) that the meeting is capable of being held fairly and transparently.

- Remote access meeting duties: If a governing board meets to consider and decide on reinstatement of a suspended or permanently excluded student either via the use of remote access, this must happen within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher.
- If an IRP meeting is to be held face to face or via the use of remote access, the local authority/academy trust must take reasonable steps to identify a date for the review that all parties, and any SEN expert appointed to give advice, are able to attend or join. The review must begin within 15 school days of the day on which the parent's application for a review was made (panels have the power to adjourn a hearing if required).

- Where a parent does not request a remote meeting or does not state a wish either way, governing boards and arranging authorities must hold the meeting in person (4) unless it is not reasonably practicable to do so in person for a reason related to extraordinary events or unforeseen circumstances such as an unforeseen school closure due to floods, fire or outbreak of infectious illness/disease.
- If there are technological or internet network issues, during a meeting held via the use of remote access which compromises the ability for participants to be seen or heard or prevents the meeting from being held fairly and transparently and it is not reasonably practicable to resolve, a face-to-face meeting must be arranged by the governing board or arranging authority, despite the parent's request. This should be done without delay.
- Social workers and VSHs must be allowed to join a meeting via the use of remote access, regardless of the format chosen, as long as the governing board (for a governing board meeting) or arranging authority (for an IRP) are satisfied that they will be able to participate effectively, they can hear and be heard (and see and be seen if participating by video) throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent.
- Governing boards, arranging authorities and panel members must:
  - comply with relevant equalities legislation
  - enable access to support which the parent is entitled to, including the presence of a friend.
- Governing boards, arranging authorities and panel members should ensure the following conditions are met for a meeting via remote access:
  - confirm with all the participants that they have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, such as via a live video link
  - ensure all the participants will be able to put across their point of view or fulfil their function
  - ensure the remote meeting can be held fairly and transparently

*1) The term remote access meeting within this guidance refers to a meeting arranged by the governing board or arranging authority that is carried out via electronic means such as a live video link. 2) Parent if the student is under 18 or the excluded student, aged 18 or over. 3) 'Participants' means those intending to take part in the meeting. 4) Except for Social Workers and VSHs being allowed to join remotely.*

## **4.2 Off-site Direction**

Off-site direction is when governors/trustees require a student to attend another education setting to improve their behaviour because interventions or targeted support to do so in have not been successful. This academy uses it to arrange time-limited

placements at Alternative Provision (AP) or another mainstream school for the shortest time necessary.

When possible, we will use in-school interventions or targeted support from AP to meet a student's individual needs and circumstances, whether behavioural or special educational.

Off-site direction into AP can be full-time or a combination of part-time support with AP and continued mainstream education for a proposed maximum period of time to be agreed on as part of the planning phase. Plans will also consider alternative options once the time limit has been reached, including a managed move on a permanent basis on review of the time-limited placement.

The governing body/board of trustees will notify the parents (or the student if 18 or older) (and the local authority if the student has an Education, Health, and Care Plan (EHCP)) in writing and provide information about the placement as soon as is practical after the direction has been made and no later than two school days before the start date.

Parents (or students aged 18 or over) and, where the student has an EHCP, the local authority can request, in writing, that governors/trustees hold a review meeting. When this happens, we must comply with the request as soon as is practical, unless there has already been a review meeting in the previous 10 weeks.

The length of time a student spends in another mainstream school or AP and the reintegration plan will be kept under review by the governing body/board of trustees through review meetings at suitable intervals throughout the placement.

We will write to invite parents (or the student if 18 or older, and the local authority if the student has an EHCP) to attend a review meeting or to submit in writing before the date of the meeting their views as to whether off-site direction should continue, no later than six days before the meeting date. The meeting will include arrangements for reviews, including how often, when the first review will be, and who should be involved e.g. school, parents, the student, and other agencies such as a student's social worker, Child and Adolescent Mental Health Services (CAMHS), Multi-Agency Safeguarding Hubs (MASH) and Youth Justice Teams to establish agreed monitoring points to discuss the student's ongoing behaviour. These reviews will be recorded in writing and be frequent enough to provide assurance that the off-site direction is achieving its objectives via monitoring points.

The governing body/board of trustees will give written notification of their decision on whether the requirement to attend the placement should continue and if so, for what period of time including the reasons for it to the parent no later than six days after the date of the review meeting.

To support a student with reintegration back into the academy here, the focus of intervention while off-site will be on ensuring they continue to receive a broad and balanced curriculum in line with any reasonable adjustments needed due to SEND whilst any inappropriate behaviours requiring intervention are being addressed.

The length of time a student spends in another mainstream school or AP will depend on what best supports the student's needs and potential improvement in behaviour.

### **4.3 Managed Move**

A managed move is used to initiate a process which leads to the transfer of a student to another mainstream school permanently. Managed moves will only be offered as part of a planned intervention when we have evidence that it is in the student's best interests. It is voluntary, to be agreed with all parties involved, including the parents and the admissions authority of the new school. For temporary moves, see Off-site Direction above.

Where a student has an EHCP, the relevant statutory duties on the new school and local authority will apply. If we are thinking about a managed move, we will contact the local authority before it goes ahead. If the local authority, both schools and parents are in agreement that there should be a managed move, the local authority will follow the statutory procedures for amending the EHCP.

We will share information with the new school, including data on prior and current attainment, academic potential, a risk assessment, and advice on effective risk management strategies. It is also important for the new school to ensure that the student is provided with an effective integration strategy. For information on reintegration see section 7 below.

If a parent believes they are being pressured into a managed move or is unhappy with the plan, they can complain to the governing body/board of trustees using our formal complaints procedure which can be found on our website and, where appropriate, the local authority using their complaints procedure.

#### **4.4 Permanent Exclusion**

A permanent exclusion is when a student is permanently excluded from the academy and not allowed to return. This is a very serious outcome and decision, and the Principal will consult with senior leaders and the chair of the governing body/board of trustees as soon as possible in such a case.

**We will follow the same procedure to decide on and initiate a permanent exclusion for a student as for a suspension (see above), including using appropriate template letters from our local authority.**

However, where a child is not returning to our academy, we will not arrange alternative education and instead will take steps to initiate an assessment of the student by the local authority responsible for their continuing education (from the 6<sup>th</sup> day after exclusion), so that a long-term re-integration plan for a new placement can be put in place.

We will also draw attention to a student's EHCP if they have one because the local authority must ensure that an appropriate full time placement is identified in consultation with parents, who retain their rights to express a preference for the school they want their child to attend or make representations for a placement in any other school.

#### **5. RE-INSTATEMENT**

The committee considering the suspension or permanent exclusion of a student from the academy will consist of at least three governors.

The Governing body has a duty to consider parents' representations about a suspension or permanent exclusion.

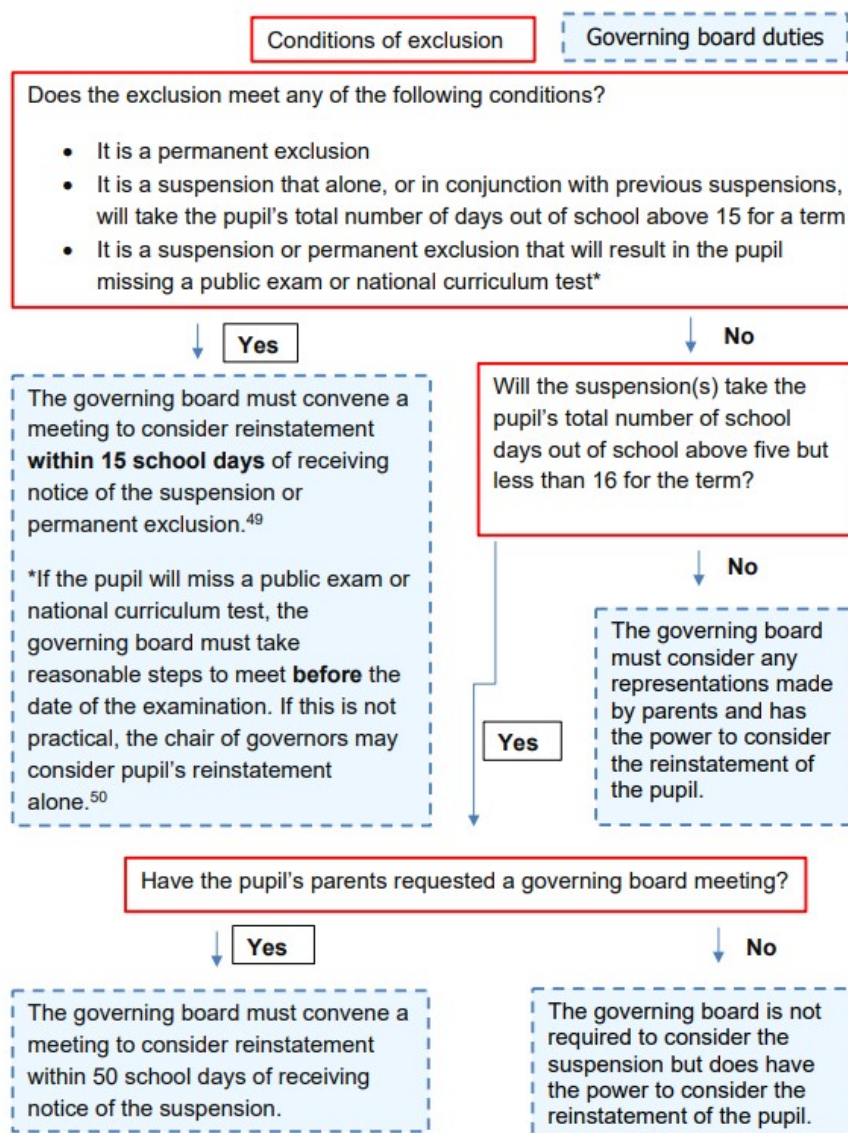
The requirements on a governing body to consider the reinstatement of a suspended or permanently excluded student depend upon a number of factors illustrated by the flowchart overleaf, 'A summary of the governing board's duties to review the Principal's exclusion decision' (from p38 of statutory DfE guidance ['Suspension and permanent exclusion from schools including student movement'](#)).

The governing body will consider and decide on the reinstatement of a suspended or permanently excluded student **within 15 school days** of receiving notice of a suspension or permanent exclusion from the Principal if it:

- is a permanent exclusion;
- is a suspension which would bring the student's total number of school days out of school to more than 15 in a term; or
- would result in the student missing a public examination or national curriculum test.

If the student would be suspended for more than five but less than 16 school days in a term *and* if parents make representations, governors will consider and decide whether the suspended student should be reinstated **within 50 school days** of receiving the notice of suspension. In the absence of any representations from the parents, our governing body/board of trustees can consider reinstatement on their own.

**'A summary of the governing board's duties to review the Principal's exclusion decision'**



Where a suspension or permanent exclusion would result in a student missing a public examination or national curriculum test, governors will consider and decide on the suspension or permanent exclusion **before the date of the examination or test where possible**. If it is not practical for enough governors to consider the reinstatement before the examination or test, the chair of governors alone (or vice chair if the chair is unavailable) may consider the suspension or permanent exclusion and decide whether or not to reinstate the student.

In the case of a suspension which does not bring the student's total number of days of suspension to more than five in a term, the governing body/board of trustees will consider any representations made by parents. There is no deadline for this but if required it should happen within a reasonable amount of time. In the absence of any representations from the parents, the governing body can consider reinstatement on their own.

In the case of a permanent exclusion, a suspension that would take the pupil's number of days out of the academy to above 15 for a term or a suspension that would result in a student missing a public exam or a national curriculum text, the governing board must convene a meeting to consider reinstatement within 15 academy days of receiving notice of this suspension or permanent exclusion.



We will make the student and/or their parents aware of their right to attend and participate in the governor's meeting. The student will also be enabled and encouraged to participate at all stages of the process, considering their age and understanding, including to make a representation on their own behalf if they want to.

The following parties will be invited to a meeting of governors/trustees to make representations or share information:

- parents (and, where requested, a representative or friend);
- the student if they are 18 years or over;
- the Principal;
- a representative of the local authority if requested by the parent
- the child's social worker if the student has one; and
- the VSH if the child is LAC.

When conducting the review meeting, we will follow DfE statutory guidance:

[Suspension and permanent exclusion guidance September 2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/guidance/suspension-and-permanent-exclusion-guidance-september-2023)

Governors will either decline to reinstate the student or direct reinstatement of the student immediately or on a particular date.

If governors/trustees decide against the reinstatement of a student who has been permanently excluded the parents can ask for the decision to be reviewed by an Independent Review Panel (IRP) which will include representatives from the governing body/board of trustees. Parents can request an IRP even if they did not make representations to or attend the meeting at which the governing board considered reinstating the student.

If a reinstatement meeting would make no practical difference because for example, the student has already returned to the academy following the expiry of a suspension or the parents make clear they do not want their child reinstated, the governing body/board of trustees will still meet to consider whether the student should or would have been officially allowed back into the academy. Ideally, a reinstatement meeting should happen as soon as possible and before the student is back in the academy.

## **6. APPEALING TO AN INDEPENDENT REVIEW PANEL**

If applied for by parents within the legal time frame and regardless of whether they have made any representation to the academy, our local authority/academy trust will, at their/our expense, arrange for an Independent Review Panel hearing to review the decision of a governing body/board of trustees not to reinstate a permanently excluded student.

The legal time frame for an application is:

- within 15 school days of notice being given to parents by the governing body/board of trustees of their decision to uphold a permanent exclusion; or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

Any application made outside of the legal time frame will be rejected by the local authority/academy trust.

The local authority/academy trust will identify a date for the review that all parties, and any SEN expert appointed to give advice in person, are able to attend. However, the review must begin **within 15 school days** of the day on which a parent's application for a review was made (panels have the power to adjourn a hearing if required). The venue should also be reasonable accessible to everyone who needs to attend.

Parents have a right to request the attendance of a SEN or SEND expert at a review, regardless of whether the academy recognises that their child has SEN or a disability. This person is paid for by the local authority/academy trust and their role is to provide impartial advice to the panel on how special educational needs or disability might be relevant to the exclusion, for example, whether the academy acted reasonably in relation to its legal duties when excluding the student.

The meeting will be held in private unless the local authority/academy trust directs otherwise.

The meeting can be adjourned at any time and more than once, providing the effect of an adjournment on the parties to the review, the permanently excluded student and their parents, and any victim(s) has been considered.

Where the issues raised by two or more applications for review are the same, or connected, the panel may combine the reviews if, after consultation with all parties, there are no objections.

In reviewing the decision, the panel must consider the interests and circumstances of the permanently excluded student, including the circumstances in which the student was excluded, and have regard to the interests of other students and people working at the academy. The panel must also apply the civil standard of proof rather than the criminal standard.

Following its review, the panel can decide to:

- uphold the governing body's/board of trustees' decision not to reinstate;
- recommend that the governing body/board of trustees reconsiders reinstatement; or
- quash the governing body's/board of trustees' decision and direct that the governing body's/board of trustees reconsiders reinstatement.

The IRP's decision is binding on the: student; parents; governing board; Principal; and local authority. The decision does not have to be unanimous and can be decided by a majority vote. In the case of a tied vote, the chair has the casting vote.

The panel may only quash our governing body's/board of trustees' decision not to reinstate if it considers that the decision was flawed when considered in the light of the principles applicable to an application for judicial review (see DfE statutory guidance, [paragraphs 223 to 227](#)).

New evidence may be presented to the panel, but we, the academy may not introduce new reasons for the permanent exclusion or the decision not to reinstate the student.

In deciding whether the governing body's/board of trustees' decision was flawed, and whether to quash the decision not to reinstate, the panel will only take account of the evidence that was available to the governing body/board of trustees at the time of

making its decision not to reinstate. This includes any evidence that the panel considers would, or should, have been available to the governing body/board of trustees 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 body/board of trustees to have been aware of at the time of its decision, the panel can still take account of the evidence when deciding whether to recommend that governors/trustees reconsider reinstatement.

## **7. REINTEGRATION**

We will support students to reintegrate successfully into academy life and full-time education following a suspension or period of off-site direction. We will work to provide them with a fresh start designed to help them understand the impact of their behaviour on themselves and others; teach them to how meet the high expectations of behaviour in line with the academy's culture; foster a renewed sense of belonging within the academy community; and builds engagement with learning.

Measures might include:

- Maintaining regular contact during the suspension or off-site direction and welcoming the student back to the academy;
- Daily contact with a designated pastoral professional in the academy;
- Use of a report card with personalised targets leading to personalised rewards;
- Ensuring the student 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 student and parents to praise progress being made and raise and address any concerns at an early stage;
- Informing the student, parents, and staff of potential external support.

Our reintegration strategy will be clearly communicated at a reintegration meeting before or at the beginning of the student's return to academy and where possible this meeting should include the student's parents. No student will be prevented from returning to the academy if parents are unable or unwilling to attend.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the student, parents, and other relevant parties, including to identify if the student has any SEND and/or health needs.

## **8. SUSPENSION OR EXCLUSION OF A CHILD WHO HAS SPECIAL EDUCATIONAL NEEDS OR DISABILITIES**

The Equality Act 2010 requires us to make reasonable adjustments for disabled students.

This duty can apply to both the suspension and permanent exclusion process and to disciplinary sanctions imposed. Under the Children and Families Act 2014, governors/trustees must use their 'best endeavours' to ensure the appropriate special educational provision is made for students with SEND, which includes support in relation to behaviour management needed because of their SEND.

This academy is committed to working proactively with parents in supporting the behaviour of students with additional needs. In partnership with others (including the local authority where appropriate and always when a student has an EHCP), we will consider what additional support or alternative placement may be required.

This process will involve assessing the suitability of provision for a student's SEN or disability and, when an EHCP is in place, we will contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review of the EHCP before making the decision to suspend or permanently exclude the student. For those with SEN but without an EHCP, we will review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may trigger a an EHCP assessment or a review of the student's current package of support.

## **9. MARKING ATTENDANCE REGISTERS AND OFF-ROLLING STUDENTS**

When a student is suspended, they will be marked as absent from this academy using Code E (excluded but no alternative provision made) for up to 5 days of a period of suspension.

Where alternative provision is made, and students attend it, they will be marked as absent from this academy using either code B (education off site) or code D (dual registration). The governing body will ensure that a student's name is removed from our academy admission register (and make the appropriate return to the local authority about it) if:

- 15 school days have passed since the parents were notified of the governing board's decision to not reinstate the student and no application has been made for an IRP; or
- the parents have stated in writing that they will not be applying for an IRP.

## **10. MAKING A COMPLAINT**

Parents who want to make a complaint about their child's suspension or permanent exclusion should follow our academy complaints procedure.