

**Central Policy:** Trust-wide, applicable at trust and school levels. Schools may not make any changes or adaptations

# **Suspension and Permanent Exclusion Policy**

## **Burford Primary School**



*Respect, Aspire, Achieve*

This policy was reviewed in July 2023.

The policy must be reviewed and updated at least every 36 months.

All children are provided with equal access to the curriculum. We aim to provide equitable learning opportunities regardless of gender, ethnicity or home background.

The impact of this policy on staff workload has been considered.

signed

*Elizabeth Mason*

Interim Headteacher

*Jo White & Hannah Lake*

Co-Chair of Governors

date

*14<sup>th</sup> July 2023*

<b>Central Policy:</b>	Trust-wide, applicable at trust and school levels. Schools may not make any changes or adaptations
------------------------	--

# Suspension and Permanent Exclusion Policy

Burford Primary School

<b>Approved by:</b>	<b>Education Quality Standards &amp; Impact Committee</b>
<b>Date:</b>	<b>22 June 2023</b>
<b>Next review date:</b>	<b>June 2026</b>

<b>Adopted by school:</b>	<b>Burford Primary School</b>
<b>Date:</b>	<b>14 July 2023</b>

# 1. Aims

**This policy describes the arrangements that this school follows regarding the exclusion of pupils. We recognise that exclusion of any pupil is a very serious matter and always an act of last resort.**

**The school will ensure that no exclusion decision will be reached without fully exhausting working in partnership with parents, seeking Trust and Local Authority advice drawing on their guidance and resources available, consideration of equalities matters including special educational needs and ethnicity and trauma informed mental health and well-being assessment. Where possible, we will use the Strengths and Needs/Early Help Assessment when concerns emerge prior to exclusion.**

The governing body and the head teacher of the school are committed to the provision of a broad and balanced curriculum for all pupils. We are also responsible for promoting good behaviour and discipline on the part of the whole school community and for securing an orderly and safe environment for pupils and staff in order to ensure that the curriculum is delivered, and pupils are able to realise their full potential.

The head teacher has the discretion to respond to pupils who are displaying challenging behaviour but will do so consistently in the context of the school's behaviour policy. That policy and other relevant documents include a number of different strategies designed to promote the continued inclusion of pupils into the school. Exclusion is the most drastic step that any school can take because it runs against the school's commitment to inclusion and is of necessity reserved for the most serious cases.

Exclusion itself can take many different forms and these may include:

- Time out within the class imposed by the teacher
- Time out in another teacher's class
- Lunchtime suspension
- Fixed term suspension
- Permanent exclusion

This policy deals with lunchtime, suspensions and permanent exclusions and has been developed in accordance with the Statutory Guidance.

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

The school aims to:

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

## **A note on off-rolling**

The school 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.”

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support

- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school

## 2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#).

It is based on the following legislation, which outlines schools' powers to exclude pupils:

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

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

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

## 3. Definitions

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

**Permanent exclusion** – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'. Sometimes abbreviated to 'PEX'.

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

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

**Managed move** – when a pupil is transferred to another school permanently (with or without a trial period). All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

## 4. Roles and responsibilities

### 4.1 The headteacher

#### Deciding whether to suspend or exclude

The school recognises that parents are profoundly affected by the exclusion of their children and will work with them closely to ensure that the pupil's circumstances are fully understood and that parents have the ability to support the school and pupil.

Pupils at risk of being excluded are likely to have had a history of disaffection and to have had a variety of contracts (Behaviour Action Plans, Behaviour Support Plans, Pastoral Support Plans, Risk Assessments) before the question of exclusion arises. In formulating these plans a number of different agencies will be engaged to support the pupil and the school to avoid exclusion, for example the Local Authority teams that support and oversee inclusion/exclusion,

Children's Social Care services such as the Early Help Team, and/or the Educational Psychology Service. In all cases the involvement of these agencies will be with parents' consent and, in many instances, they will have made direct contact with parents.

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

A decision to suspend or exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

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

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider any current outside agency professional advice and make further relevant referrals if appropriate
- Consider whether the pupil has special educational needs (SEN). Assessment of a pupil's needs will often assist in identifying the underlying causes of unacceptable behaviour. In the case of a pupil with an EHCP, an emergency review will be convened with parents, school and other professionals.
- Consider whether the pupil is especially vulnerable e.g. the pupil has a social worker, or is a Child We Care For/under the care of the Local Authority. We will work with the Local Authority and Virtual School to ensure that the needs of Children we Care for and the school community are met.
- Consult with the Oxford Diocese School's Trust (ODST). This **must** be the case following more than two suspensions for a child and/or **prior to** a decision to permanently exclude. Ian Frost, DCEO should be the primary point of contact.
- Consider any potential bias. The school is aware that pupils from minority ethnic backgrounds are more likely to be excluded across England. This does not meet our inclusive ethos and requirements for our school. We will work with families, community leaders and other professionals to address any real or potential bias.
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves

The headteacher will consider the views of the pupil, **in light of their age and understanding**, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their **views expressed through an advocate**, such as a parent or social worker.

The headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

### **Offensive weapons**

An offensive weapon is any article which is made, intended or adapted to cause injury. Offensive weapon can be broken down into two categories: a) Those that are made as an offensive weapon (e.g. knuckle-duster, dagger, gun) or adapted (e.g. broken bottle) for use for causing injury to the person; and b) Weapons not made or adapted as an offensive weapon (e.g. kitchen knife, spanner, hammer) but intended by the person having in possession of it to cause injury to another.

It is illegal to:

- be in possession of a knife / bladed article on school premises
- be in possession of an offensive weapon without lawful authority or excuse in any public place
- threaten with a blade or sharply pointed article on school premises

To assist in managing incidences where pupils are believed to be carrying offensive weapons (including knives) on school premises, the school will follow OFSTED recommendations and will:

- have suitable policies and procedures in place for managing the possession of offensive weapons – detailed in the school’s behaviour policy (i.e. this policy)
- report all incidents to the police
- work with police neighborhood teams/school liaison officers, and the Youth Offending Service to link in with preventative work
- ensure clarity around decision making process led by the Headteacher and any subsequent actions by the police (school can seek advice from the ODST)

The school will also follow NSPCC advice ([npcc.police.uk](https://npsc.police.uk)) where there is a helpful flow chart for use by leaders.

The school acknowledge that the possession of a weapon, particularly a knife on school premises is often an indicator of vulnerabilities for the young person concerned and therefore a multi-agency approach is important, instigated by a police referral. The school are not expected to manage the situation in isolation.

Head teachers, and staff authorised by them, have the **power to search students for offensive weapons**, with their consent. They also have statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have an offensive weapon. School staff have the power to use force as is reasonable in the circumstances. **It is important that staff do not put themselves at risk.**

The school are required to contact the police unless in exceptional circumstances where there is a reasonable explanation or set of circumstance where it is obvious that a weapon or prohibited article has been brought into school or college as a genuine mistake. The weapon should be seized and stored securely by the school.

The school will contact parents to inform them of the incident as soon as possible after the Police have been informed. An incident form should immediately be filled in by the school. This is in order to prevent any misunderstandings or misrepresentations of the incident and to assist in any complaint or post incident investigations.

An early help assessment should be completed, if one has not already been undertaken, on any pupil found to be in possession of an offensive weapon in school.

Appropriate school sanctions (for example, whether to permanently exclude or otherwise) are at the discretion of the Head Teacher after a full investigation into the incident has taken place, in accordance with DfE guidance: ‘Exclusion from schools and pupil referral units in England.’ The school will ensure that they have consulted with the relevant agencies, including the ODST.

### **Lunchtime Suspension**

Pupils whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period.

Lunchtime suspension is treated in the same way as any other suspension:

- the head teacher will inform the parent of the suspension and the reasons for it;
- the suspension will run for a fixed period and must be marked in the register as a half day suspension per day;
- parents/carers have the right to make representations about the suspension to the discipline committee of the governors

It is not permissible to insist that a pupil is off the premises for lunchtime without it being a formal suspension. Informal arrangements to stay at home are not permitted.

### **Suspension**

The head teacher may suspend a pupil for up to 45 days in any one school year.

However individual suspensions will be for the shortest time necessary, because any suspension makes it difficult for the pupil to reintegrate back into the school and damages positive home/school relationships.

Any suspension over 5 days requires the school to provide full time education elsewhere for the duration of the suspension.

### **Permanent exclusion**

Permanent exclusion is an extremely serious step to take. The head teacher will normally only consider such action if:

- the pupil presents a significant health and safety risk to him/herself and/or others or has been responsible for a single event that presents a serious threat to the health and safety of students and the school community; **and**
- the pupil has been offered a full range of services and strategies designed to maintain that pupil's inclusion in school; **and**
- there is evidence that previous plans and strategies have been consistently applied but brought about no significant improvement in the behaviour of the pupil.

### **Informing parents**

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

If the headteacher decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

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

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

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this

If alternative provision is being arranged, the following information will be included, if possible:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information the pupil needs in order to identify the person they should report to on the first day

If the headteacher does not have the all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

### **Informing the governing board**

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

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam

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

### **Informing the Local Authority (LA)**

The headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

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

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

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

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the headteacher will inform **the social worker** as early as possible
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the headteacher will inform **the VSH** as early as possible

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

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

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

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

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



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

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

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom may be used for this. If the pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

## **4.2 The Local Governing Board**

### **Considering suspensions and permanent exclusions**

Responsibilities regarding suspensions and permanent exclusions are delegated to a governing board consisting of at least 3 governors.

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

For any suspension of more than 5 school days, the Local Authority will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

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

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

The governing board will consider:

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

## **4.3 The local authority (LA)**

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

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

## 5. Considering the reinstatement of a pupil

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

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

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

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

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

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

- Parents, or the pupil if they are 18 or over (and, where requested, a representative or friend)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

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

The governing board can either:

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

In reaching a decision, the governing board will consider:

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

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

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

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

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

Where an exclusion is permanent and the governing board has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Oxford Diocesan School's Trust (ODST) appoint an SEN expert to advise the review panel
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That, if parents believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

## 6. Independent Review

If parents apply for an independent review within the legal timeframe, the ODST will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing board of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the headteacher category. At all times during the review process there must be the required representation on the panel.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer

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

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

- Are a member of the ODST of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the ODST, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the ODST, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion, or are relevant to the pupil's permanent exclusion.

Following its review, the independent panel will decide to do 1 of the following:

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

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

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

## 7. School registers

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

- 15 school days have passed since the parents were notified of the governing board's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made within 15 school days, the governing board will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

### Making a return to the LA

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

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

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

## 8. Returning from a suspension

### 8.1 Reintegration strategy

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

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

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

Part-time/reintegration timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

### **Reintegration/part time timetables**

It is important to emphasise that there is no statutory basis upon which to establish a reintegration timetable. With the agreement of parents and carers, however, in exceptional circumstances, where a short-fixed term period of part time education may in very rare circumstances be judged to be in the interests of young people who are finding full time education very challenging. This must, however, be for a short, agreed period that has a planned progression back to full-time within a maximum of six weeks.

The school remains committed to all children's entitlement to a full-time education offer and makes clear the requirement that a reintegration timetable cannot be implemented without written agreement from parents (and where appropriate the Virtual School where a child is in the care of the Local Authority, Youth Offending worker when the child is on a Court Order, Social Worker where a Child Protection, Team Around the Family or Child in Need Plan is in place or SEN Team at the Local Authority where appropriate). In circumstances where the school consider that a reintegration timetable for a pupil is needed, the school must:

- Consult with relevant outside agency and professionals and consider further referral with regards to the child's and/or families' SEN or social care needs
- Notify ODST
- Notify the LA (including the SEN team if the pupil has an Education and Health Care Plan)
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- Convene a meeting to discuss the proposals for a reintegration timetable. This must include the parent of the pupil and any relevant agencies must be invited
- Establish a plan (Pastoral Support Plan, Individual Learning Plan, Personal Education Plan etc.) for the reintegration timetable which details:
  - the proposed timetable to get back to full-time within 6 weeks
  - details of the review schedule
  - the supportive interventions that will accompany this reduction in time at school
  - school including the environment system changes within school and the
  - new skills that will be taught.
  - outcome and exit strategies. How will all parties know that is successful?
  - the named person responsible for the plan within the school
  - the consideration of safeguarding measures for the duration. The school must carry out a risk assessment (including CSE and CDE) before implementation, of the child spending more time out of the school and this should be recorded formally in the plan
  - consideration should be given in many cases to external behaviour
  - support and/or targeted early help family support o consideration should be given to whether alternative provision should be considered to meet need.

The plan and the teaching hours must be signed by the parent and without parental agreement this strategy of a reduction in hours cannot be implemented

## **8.2 Reintegration Meetings**

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

The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend.

The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

## 9. Monitoring arrangements

The school will collect data on the following:

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

The data will be analysed termly by the Headteacher, who will report back to the governors and the ODST.

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

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

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

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

This policy will be reviewed by the ODST and the school every three years or following any National or Local changes. At every review, the policy will be approved by the governing board.

## 10. Links with other policies

This exclusions policy is linked to our:

- Behaviour policy guidance
- SEN policy and information report

## Appendix 1: independent review panel training

The ODST must make sure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions on disciplinary grounds, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act