

# *Suspension and Permanent Exclusion Policy*

*September 2023*



## Contents

1. Aims .....	
2. Legislation and statutory guidance.....	6
3. The decision to suspend .....	7
4. Definition.....	12
5. Roles and responsibilities .....	12
6. Considering the reinstatement of a student.....	18
7. An independent review.....	19
8. School registers .....	20
9. Returning from a fixed-term exclusion.....	20
10. Monitoring arrangements .....	23
11. Links with other policies .....	23

## **Statement of intent and overall aims of this policy**

### **Statement of intent**

We understand that good behaviour and discipline is essential for promoting a high quality of education. Students have to feel safe and secure in an environment if they are to reach their full potential. We will do everything we possibly can to support students, however we do understand that there may be a need to suspend students from lessons or the school. This could be on a fixed term or permanent basis. Any permanent exclusions are always a last resort.

We take our duties very seriously and no decision is taken lightly. Appendix 1 will always be applied

### **Duties under the Education and Inspections Act 2006:**

Headteachers of maintained schools and student referral units must determine measures to be taken with a view to:

- promoting, among students, self-discipline, and proper regard for authority,
- encouraging good behaviour and respect for others on the part of students and preventing all forms of bullying among students,
- securing that the standard of behaviour of students is acceptable,
- securing that students complete any tasks reasonably assigned to them in connection with their education, and
- otherwise regulating the conduct of students.

### **Duties under the Equality Act 2010 and Children and Families Act 2014 Under the Equality Act 2010 (the Equality Act) and the Equality Act 2010**

Schools must not discriminate against, harass, or victimise students because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage, and the provision of auxiliary aids and services.

In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not;
- foster good relations between people who share a relevant protected characteristic and people who do not share it. The 'relevant protected characteristics' in this context are the characteristics mentioned above. Age is also a relevant protected characteristic, but not when carrying out a function which provides education, benefits, facilities, or services to students.

These duties need to be complied with when deciding whether to exclude a student. Schools must also ensure that any provision, criterion, or practice does not discriminate

against students by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a student with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory. The governing body must also comply with their statutory duties.

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.

Section 51A Education Act 2002. Says, A 'fixed period' means that a suspension on disciplinary grounds can't be open-ended but must have a defined end date that is fixed at the time when the suspension is first imposed"

A student can be suspended from school for a maximum of 45 days in one academic year.

Permanent exclusions can be used to help achieve these aims when they are absolutely necessary, as a last resort.

This policy is intended to give a clear indication to staff, parents and students of typical circumstances within which the Headteacher will use powers to exclude and the procedures that will be followed in exercising them. Governors will rely on this in reviewing the actions of the Headteacher in excluding students. It must be considered alongside the Behaviour Policy. This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and student referral units in England, including student movement - from September 2023](#).

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

- **Section 51a of the [Education Act 2002](#), as amended by the [Education Act 2011](#)**
- [The School Discipline \(Student Exclusions and Reviews\) \(England\) 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 students
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

Our school aims to ensure that:

- The suspension process is applied fairly and consistently
- The suspension process is understood by governors, staff, parents and students
- Students in school are safe and happy
- High standards of behaviour in schools are maintained and students are protected from disruption so they can learn and thrive in a calm, safe, and supportive environment.

➤ Students do not become NEET (not in education, employment or training) ➤

Suspensions are monitored and kept to a minimum

## Off-rolling

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“The practice of removing a student 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 student.”

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

- Without following the statutory procedure, contained in the [School Discipline \(Student Exclusions and Reviews\) \(England\) Regulations 2012](#), 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

We will ensure all suspensions and permanent exclusions are carried out lawfully.

*“This government supports headteachers in using suspension and permanent exclusion as a sanction when warranted as part of creating a calm, safe, and supportive environment in which students can learn and thrive. To achieve this, suspension and permanent exclusion are sometimes a necessary part of a functioning system, where it is accepted that not all student behaviour can be amended or remedied by pastoral processes, or consequences within the school” (Suspension and Permanent exclusions guide for maintained schools, academies and students referral units July 2023)*

“The government recognises that school exclusions, managed moves and off-site direction are essential behaviour management tools for headteachers and can be used to establish high standards of behaviour in schools and maintain the safety of school communities.”

“For the vast majority of students, suspensions and permanent exclusions 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 students and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments” ([Suspension and Permanent exclusion guide for maintained schools, academies and student referral units in England, including student movement May 2023](#))

We accept that suspensions may be required, on that basis we do not have a zero-suspension rule. However, we will do everything we possible can to avoid suspending our students from our school. Students need to be in the classroom for as long as they possibly can.

## Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Suspension and Permanent Exclusions from maintained schools, academies and student referral units (PRUs) in England July 2022

It is based on the following legislation, which outline schools' powers to exclude students:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Student 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 looks at parental responsibility for excluded students
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Students) (England) (Amendment) Regulations 2014

This policy will be implemented in conjunction with the following school policies and procedures:

Behaviour Policy

Anti-Bullying Policy

Code of Conduct (Home School Agreement)

Safeguarding policy

### 3.The Decision to Suspend

#### Key definitions

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

Permanent exclusion – when a student is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Off-site direction – when a governing body of a maintained school requires a student to attend another education setting temporarily, to improve their behaviour.

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

Internal suspension – when a student still attends school but they work in the Learning Support Unit while attempts are made to reengage

#### Reasons and recording of suspensions.

The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion.

- Physical assault against a student
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a student
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

Damage to property

Serous health and safety issues

Persistent disruptive behaviour

This list is non-exhaustive and is intended to offer examples rather than be complete or definitive. Please refer to the Behaviour Management policy for more details.

The following codes will be applied

Code Description

PP Physical assault against a student

PA Physical assault against an adult

VP	Verbal abuse / threatening behaviour against a student
VA	Verbal abuse / threatening behaviour against an adult
OW	Use or threat of use of an offensive weapon or prohibited item
BU	Bullying
RA	Racist abuse
LG	Abuse against sexual orientation and gender identity
DS	Abuse relating to disability
SM	Sexual misconduct
DA	Drug and alcohol related
DM	Damage
TH	Theft
DB	Persistent disruptive behaviour
MT	Inappropriate use of social media or online technology
PH	Wilful and repeated transgression of protective measures in place to protect public health

### **Types of suspensions 1: Internal suspension**

Sometimes students will need some time out of lessons to reflect upon and improve their behaviour. This means they will be placed in the Learning Support Unit (LSU) and internally. This will be recorded internally and the students will either be placed or move up the exclusion ladder. Parents will be informed as soon as possible, and the Behaviour Management policy will be applied.

The Pastoral Team will also email any member of staff who was originally involved in the incident so they are made aware of the follow up action that has taken place.

During their internal suspension from lessons students will be provided with support and encouragement. Their subject teachers must provide their work during this time. This ensures any disruption to their learning is kept to a minimum.

The rest of this guide does not relate to internal suspensions.

### **2: Fixed Term External Suspension**

FTE suspensions are an extremely serious sanction and should only be considered when all other sanctions have been exhausted. Long external suspensions are rarely effective and removing the student from the school will not solve the behaviour problem. As with all behaviour issues it is important to unlock the problem and seek strategies with the student to solve the problem.

Only the Headteacher can agree an external suspension or the Deputy Headteacher in her absence. Removing a student from the school site for disciplinary reasons without following



formal exclusions procedures is illegal even with the consent of the parent. If whilst investigating an incident a student needs to be isolated from others they should remain with a member of their Pastoral Team, a member of SLT or placed in the Learning Support Unit (if appropriate).

Suspension is a very serious punishment. It will usually be of the shortest possible duration to minimise the disruption to learning that extended absence from lessons results in. We do not operate a fixed tariff system and each incident will be considered on an individual basis.

### **3: Permanent Exclusion**

Permanent Exclusion is reserved for offences that would have a seriously damaging effect on the life of the school, the well-being of other students or of staff, or seriously and persistently interfere with teaching and learning in the school. This is not necessarily limited to conduct that has taken place during school time or on/near to the school. The DfE lays out the following criteria for permanent exclusion:

- Serious violence which creates fear and anxiety among staff and students
- Possession of an offensive weapon on or within close proximity of the school site
- Dealing in drugs on or within close proximity of the school site
- Persistent defiance of school authority or disruption of teaching and learning
- Persistent bullying, harassment or abuse
- Serious breach or persistent breaches of the school's Behaviour Policy
- Allowing the student to remain in school would seriously harm the education and welfare of the student or others in the school

(This list is provided as an example)

A permanent exclusion is a serious step, and will only be taken when all other alternatives have been explored. However, it is clear that for some students, in some circumstances, this is the only available and appropriate option. In most cases, permanent exclusion will be the final step in a process of dealing with disciplinary offences following the wide range of strategies which have been tried without success.

It is an acknowledgment by the school that it has exhausted all available strategies for dealing with the student and should only be used as a last resort. There will however, be circumstances where the incident is so serious that permanent exclusion has to be considered. The school may then also wish to inform the police or other appropriate agencies.

The school will work actively to avoid permanent exclusion from school. It is very much a last resort and where possible we will pursue the following before a permanent exclusion is confirmed:

- A Managed Move to another local school
- A placement at an alternative curriculum provider
- Offsite direction for a fixed period
- A highly personalised curriculum programme

- Securing an Education and Health Care Plan and possibly a placement in a resourced provision
- A direction off site

Only the headteacher can suspend or permanently exclude a student from school. A permanent exclusion will be taken as a last resort.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a student 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 student.”

We will also follow the Local Authority agreed protocol if any parents request to Electively Home Educate their child.

The headteacher will not use the threat of exclusion as a means of instructing parents to remove their child from the school roll or as a way to encourage them to transfer to another school.

We are committed to following all statutory suspension procedures to ensure that every child receives an education in a safe and caring environment. We want all of our students to thrive and fulfill their true potential.

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

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

Before deciding whether to suspend a student, either permanently or for a fixed period, the headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the student to give their version of events. This is a very important part of the process
- Review all investigation notes
- Consider if the student has special educational needs (SEN)
- Consider if there are any other mitigating factors

The headteacher will consider what extra support may be available for vulnerable student groups whose suspension rates are higher, in order to reduce their risk of suspension, including the following:

LAC

Pupils eligible for free school meals

Pupils with special educational needs and disabilities (SEND)

Certain ethnic groups

In light of the above, the headteacher will consider avoiding permanently excluding LAC pupils or pupils with an education, health and care (EHC) plan.

For other vulnerable groups, additional support will be considered.

Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the headteacher who will consider what extra support or alternative placement is required.

The headteacher will work in conjunction with the parents of any pupil with additional needs, in order to establish the most effective support mechanisms.

A student's behaviour outside school can be considered grounds for a suspension or permanent exclusion. This is made very clear in the Behaviour Management policy.

Any decision of the headteacher, including suspension or permanent exclusion, will be made in line with the principles of administrative law, i.e., that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

When establishing facts, a civil standard of proof will be applied. This means that something is likely to have happened on the balance of probability, rather than beyond all reasonable doubt.

When sending a student home following any suspension, the headteacher will ensure that they exercise their duty of care at all times and will always inform the parents.

The headteacher may withdraw any suspension that has not already been reviewed by the governing board. This is known as withdrawing or rescinding.

## 4. Definition

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

## 5. Roles and responsibilities

### 5.1 The headteacher

#### Informing parents

The headteacher will immediately provide the following information, in writing, to the parents (Social Worker, SEN representative and VSH as appropriate) of a suspended student:

- The reason(s) for the suspension
- The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the Governing body and how the student may be involved in this. This will be in the form of a Local Authority approved booklet
- How any representations should be made
- Where there is a legal requirement for the Governing body to meet to consider the reinstatement of a student, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The headteacher will also notify parents by the end of the afternoon session on the day their child is suspended that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

#### Informing the governing body and local authority

The headteacher will immediately notify the governing body and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a student
- Suspensions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the student missing a public examination

The Local Authority must be informed about all suspensions, regardless of length.

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

For all other suspensions, the headteacher will notify the Governing body and LA once a term unless the running total in that term exceeds 15 school days. If this is the case a Governors review meeting will be called. See appendix 3

The Local Authorities exclusion partner will be informed of every suspension and potential permanent exclusion in writing on the day the decision is made. This is to ensure transparency and intervention.

### Key points to consider

Only the headteacher, or acting headteacher, can suspend or permanently exclude a student 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 student will be taken only:

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

Before deciding whether to suspend or exclude a student, 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 student to give their version of events
- Consider whether the student has special educational needs (SEN)
- Consider whether the student is especially vulnerable (e.g. the student has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves

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

Students 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 student, and will inform the student of how their views were taken into account when making the decision.

### **Informing parents (or the student where they are 18 or older)**

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

If the headteacher decides to suspend or exclude a student, the parents/**student** will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about the parents'/**student's** right to make representations about the suspension or permanent exclusion to the governing body and, where the student is attending alongside parents, how they may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing body to hold a meeting to consider the reinstatement of a student, and that parents/**the student** have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That parents/**the student** have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the student is of compulsory school age, 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 student needs in order to identify the person they should report to on the first day

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

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

If the headteacher cancels the suspension or permanent exclusion, they will notify the parents/**student** without delay, and provide a reason for the cancellation.

### **Informing the governing body**

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

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a student
- Any suspension or permanent exclusion which would result in the student 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 student missing a National Curriculum test or public exam
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation
- Governors will also influence any direction off site.

### **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 student lives outside the LA in which the school is located, the headteacher will also, without delay, inform the student's 'home authority' of the exclusion and the reason(s) for it.

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

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

If a:

- **Student with a social worker** is at risk of suspension or permanent exclusion, the headteacher will inform **the social worker** as early as possible
- **Student 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 student'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 student with a social worker/a student who is looked after, they will inform the student's social worker/the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the student
- 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 student's ability to sit a National Curriculum test or public exam (where relevant)
- They have decided to cancel a suspension or permanent exclusion, and why (where relevant)

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

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

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

The parents (or the student if they are 18 or older), governing body and LA will be notified without delay

Where relevant, any social worker and VSH will be notified without delay

The notification must provide the reason for the cancellation

The governing body's duty to hold a meeting and consider reinstatement ceases

Parents (or the student if they are 18 or older) will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay

The student will be allowed back in school 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.

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

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

If the student 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 student, including the use of online pathways.

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

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

The governing body will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where students receive repeat suspensions
- Interventions in place to support students 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 students, and why this is taking place



- Whether the placements of students directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that students are benefiting from it
- The cost implications of directing students off-site

## **5.2 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 students who are looked after 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.

## **5.3 The Governing body**

Responsibilities regarding exclusions are delegated to JRCS Governing body consisting of at least 3 governors.

The JRCS Governing body has a duty to consider the reinstatement of an excluded student (see section 6).

The governing body has a duty to consider the reinstatement of an excluded student (see section 6).

Within 14 days of receipt of a request, the Governing body will provide the secretary of state and the Local Authority with information about any exclusions in the last 12 months.

For a fixed-period suspensions of more than 5 school days, the governing will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

Work will be set and marked for all days up to including the 5<sup>th</sup> day of suspensions. All reasonable attempts will be made to provide work students who are facing a permanent exclusion from school.

As a school we understand and acknowledge that all suspensions must follow the procedure above. Parents, VSH, Social Workers and the Local Authority (if all are appropriate) will be informed in writing about every suspension. "Cooling off" periods and other unlawful exclusions will not be used. This is regardless of if the parents approve or request it.

## **5.4 The LA**

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

## 6. Considering the reinstatement of a student

Panel members made up from JRCS Governing body will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term suspension which would bring the students total number of school days of suspension to more than 15 in a term
- It would result in a student missing a public examination or national curriculum test

If requested to do so by parents the JRCS Governing body will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a student missing a public examination, JRCS Governing body will consider the reinstatement of the student before the date of the examination. If this is not practicable, the chair of the Governing body (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the student.

JRCS Governing body can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, JRCS Governing body will consider whether the suspension 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. This is known as the civil standard of proof.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the student's educational record.

JRCS Governing body will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, JRCS Governing body's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
  - The date by which an application for an independent review must be made
  - The name and address to whom an application for a review 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 student's SEN are considered to be relevant to the exclusion

- That, regardless of whether the excluded student has recognised SEN, parents have a right to require the Local Authority to appoint an SEN expert to attend the review
- 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 exclusion has occurred as a result of 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. A 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

Please see appendix 6 for more details

## **7. An independent review**

If parents apply for an independent review, the Local Authority will arrange for an independent panel to review the decision of the governing body not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the JRCS Governing body of its decision to not reinstate a student.

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 governors category and 2 members will come from the headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
  - School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
  - Headteachers or individuals who have been a headteacher within the last 5 years
- A person may not serve as a member of a review panel if they:
- Are a member of the Local Authority or governing body 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 Local Authority or the Governing body, 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 Local Authority, school, governing body, parents or student, 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)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Governing body's decision
- Recommend that the Governing body reconsiders reinstatement
- Quash the Governing body's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

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

Please see Appendix 7 for more details

## **8. School registers**

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

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

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

Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

## **9. Returning from a fixed-term suspension**

Following a fixed-term suspension, a re-integration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a student returns from a fixed-term suspension:

- Agreeing a behaviour contract

- >
- > Putting a student 'on report'
- > Internal isolation
- > A mentor / youth worker may be allocated
  - A referral to an external agency may occur

The YES project holds all of our interventions and this will always be consulted to ensure a suspended student has the best opportunity to avoid a repeat suspension.

The Head Teacher will always consider if a suspension is the best course of action. This is especially the case when a student has experienced suspensions in the past. Other options that are available include:

Off site direction as a short term measure to improve behaviour

Managed moves

Access to external services

The use of AP (Alternative Provisions)

Any of the above measures will be done so in consultation with the Local Authority.

Any Part Time or reduced timetables will only be used if they are absolutely necessary. They will be regularly reviewed and applied for the shortest possible time. They will never be used to control behaviour. This could be seen as an illegal suspension.

What is Alternative Provision?

Scenario 1: Alternative Provision (AP) refers to suitable full-time education that is 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.

Scenario 2: In other circumstances, AP may refer to education arranged for students who are unable to attend mainstream or special school and who are not educated at home, whether for behavioural, health, or other reasons. AP includes Student Referral Units (PRUs), AP academies and free schools, and hospital schools, as well as a variety of independent registered, unregistered and further education settings.



If an alternative provision is being arranged, the following information will be included when notifying parents.

- 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 student to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Appropriate legislation will be consulted before any managed move or off-site directions are made. This will always be in consultation with the local authority.

The governing body will comply with the Education (Educational Provision for Improving Behaviour) Regulations 2010 (updated 2022) and will show regard to the Alternative Provision: Statutory guidance for local authorities, headteachers and governing bodies.

Our Safeguarding Policy will always be considered in conjunction with our Behaviour Management policy.

Any decision made during these meetings will always be in the best interest of the student and the rest of the school community. Their placements will be kept under regular review.

## **Managed moves**

Managed moves are used to initiate a process which leads to the transfer of a student to another mainstream school **permanently**. Managed moves should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school.

Managed moves should only occur when it is in the student's best interests.

We will never use a 'trial period' or 'trial admission' for managed moves, as a managed move is a permanent move to another school



## **10. Monitoring arrangements**

The Pastoral Deputy monitors the number of suspensions every term and reports back to the [headteacher. They also liaise with the local authority to ensure suitable full-time education for excluded students.

This policy will be reviewed by the Pastoral Deputy every year or following any changes to DFE guidance

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1089688/Suspension and Permanent Exclusion guidance July 2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089688/Suspension_and_Permanent_Exclusion_guidance_July_2022.pdf)

## **11. Links with other policies**

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report

## **Appendix 1: Independent review and panel training**

The Local Authority must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making

The need for the panel to observe procedural fairness and the rules of natural justice

The role of the chair and the clerk of a review panel

The duties of headteachers, Governing bodies and the panel under the Equality Act 2010 The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act



## Appendix 2 – Suspension checklist

Name of student: \_\_\_\_\_ Form: \_\_\_\_\_

Who carried out the investigation? \_\_\_\_\_

Is the investigation pack complete? Yes/No \_\_\_\_\_ Checked by \_\_\_\_\_

What are the grounds of the suspension?

Physical assault against a student

Physical assault against an adult

Verbal abuse or threatening behaviour against a student

Verbal abuse or threatening behaviour against an adult

Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy

Bullying

Racist abuse

Abuse against sexual orientation or gender reassignment

Abuse relating to disability

Deliberate damage to property

Other

How many days is the suspension? \_\_\_\_\_

Is this reasonable, fair and proportionate? Y/N

Is this a repeat suspension? Y/N

Does it take the student over 15 days in one term? Y/N

If Y, Governor's review meeting must now be called

Who has called this meeting? \_\_\_\_\_

Rolling total of suspension days = \_\_\_\_\_

Who has informed the parents? \_\_\_\_\_

Has the office been fully informed? Y/N

Has the local authority been informed (This must be done regardless of the length of the suspension ? Y/N

Information about the student

Ethnicity \_\_\_\_\_

EHCP Has the SENCO been informed?

LAC Has the designated teacher informed the virtual head?

CP / CIN Has the DSL informed the social worker? Y/N

Has a return from suspension meeting been organised?

By who? \_\_\_\_\_

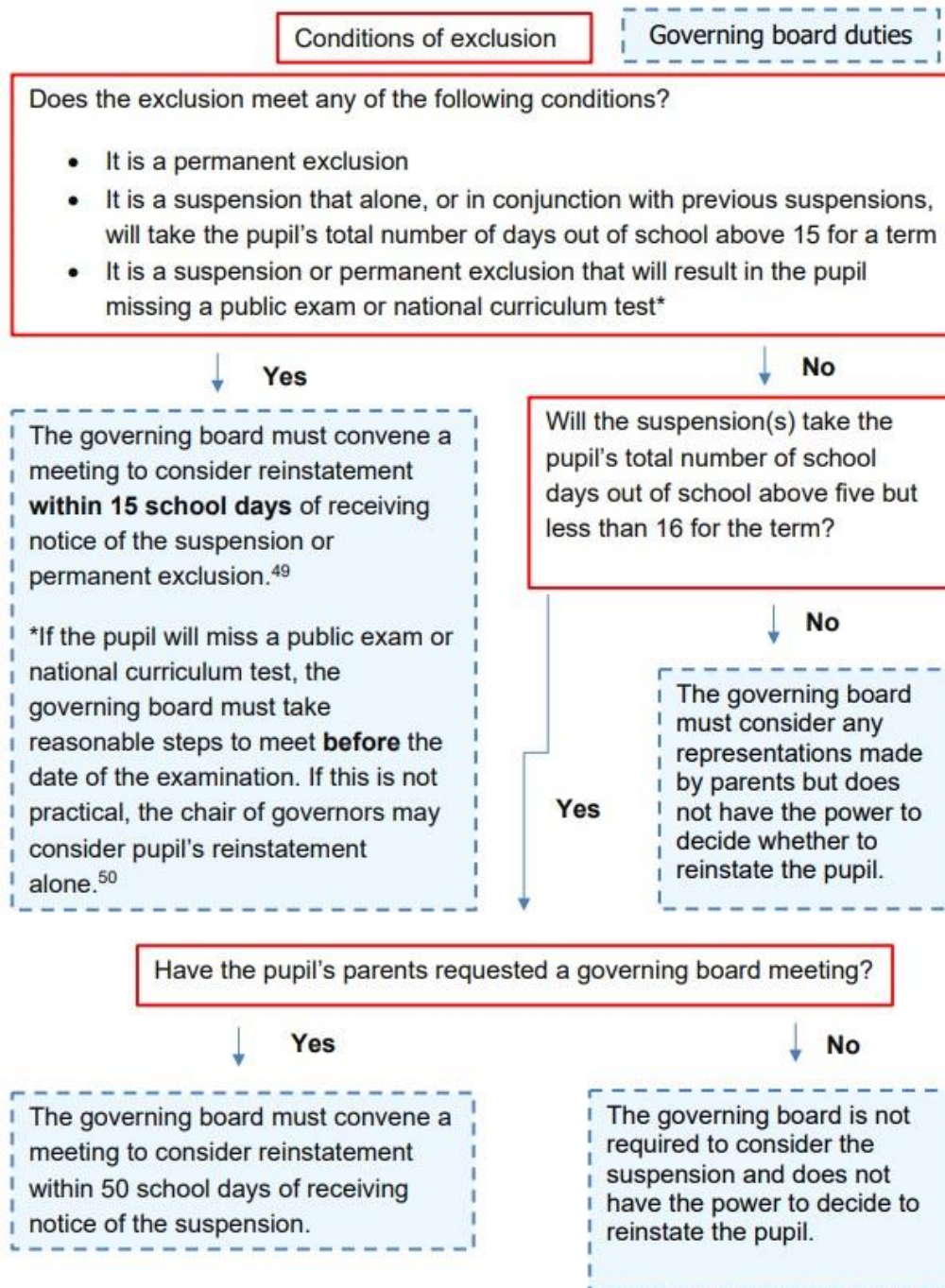
Date: \_\_\_\_\_

Checked by HOW X \_\_\_\_\_

Authorised by KEA X \_\_\_\_\_

KEA will now inform the Governors

### Appendix 3: A summary of the Governing body’s duties to review the headteacher’s exclusion decision



### Appendix 4: Suspension letter

➤ Student Contact

➤ Address

➤

➤ Date

➤

➤ Dear Student Contact salutation,

➤

➤ **Student first name, Last name, Tutor Group**

➤

➤ I am writing to inform you of my decision to suspend **student first name** for a fixed period of  days. This means that **Student first name** will not be allowed in school between **date from and until** but should return to school on **return date**. I realise that this suspension may well be upsetting for you and your family, but this decision has not been taken lightly. **student first name** has been suspended for **reason for suspension**.

➤

➤ You have a duty to ensure that **student first name** is not present in a public place in school hours during this suspension unless there is reasonable justification for this. If **student first name** is present in a public place during school hours within the specified dates and without reasonable justification, you may receive a fixed penalty notice from the local authority. We will set work for **student first name** via Microsoft Teams, to be completed on the school days specified in the previous paragraph. Please ensure that work set by the school is completed and returned to us promptly for marking.

➤

➤ You have the right to make representations about this decision to the governing body. If you wish to make representations, please contact me on the main school number or by email, as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

➤ Please note that I have included the "Guide for Parents. Exclusions. What should I do if my child has been excluded?" as a source of advice.

➤ You may find national guidance published by the Department of Education by going online at <https://www.gov.uk/government/publications/school-exclusion>.

➤ You should also be aware that if you think the suspension relates to your child's disability, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>)

➤ Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> 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: <http://www.ace-ed.org.uk/>

➤ Independent Provider of Special Education Advice (known as IPSEA – [www.ipsea.org.uk](http://www.ipsea.org.uk)) 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.

➤ If your child has special educational needs, then a local, independent service is also available to advise you. The service is provided by Carers of Barking and Dagenham (Information Advice Support Service (IASS)), 334 Heathway, Dagenham, RM10 8NJ – Phone: **020 8593 4422** – email: [carers@carerscentre.org.uk](mailto:carers@carerscentre.org.uk)

➤ Online: <https://www.carerscentre.org.uk/>.

➤ You also have the right to see a copy of **student first name** 's school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **student first name** 's school record. I will be happy to supply you with a copy if you request it, this will be provided, according to GDPR guidelines, within 30 calendar days. You may find it useful to contact Coram Children's Legal Centre. They provide free legal advice and information to parents on education matters. They can be contacted on 0300 330 5485 or by going online at <http://www.childlawadvice.org.uk>

➤

➤ You and **student first name** are invited to attend a reintegration interview at **The Jo Richardson Community School** on **Date at Time**. If this is not convenient, please contact the school to arrange an alternative date and time. The purpose is to discuss how we can manage **student first name**'s return to school.

➤


➤ Yours sincerely

➤

➤ L Keane

➤ Headteacher

## Appendix 5: Return from suspension paperwork

Date:		Record of a suspension meeting or phone call								
		Student			Form		Staff			
Exclusion level		1	2	3	4	5	6	7	8	9
Reason										
People present										

Items discussed	
Student response	
Parental response	
General concerns of school	
General concerns of parents	
Agreed way forward	
<b>Target 1</b>	
<b>Target 2</b>	
<b>Target 3</b>	
<b>Signatures</b>	
Student	
Parent	
School	

## **Appendix 6 Considering the reinstatement of a student**

Where the student has been suspended, and the suspension does not bring the student's total number of days of suspension to more than 5 in a term, the governing body must consider any representations made by parents/the student (if they are 18 or older). However, it is not required to

arrange a meeting with parents/the student and it cannot direct the headteacher to reinstate the student.

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

Where a suspension or permanent exclusion would result in a student missing a public exam or National Curriculum test, [the governing body/name of committee of the governing body] will, as far as reasonably practicable, consider and decide on the reinstatement of the student before the date of the exam or test. If this is not practicable, the chair of the governing body (or the vice-chair, if necessary) may consider the suspension or permanent exclusion and decide whether or not to reinstate the student.

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

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

- Parents, or the student if they are 18 or older (and, where requested, a representative or friend)
- The student, 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 student's social worker, if they have one
- The VSH, if the student is looked after
- A representative of the local authority

Taking into account, the student's age and understanding, the student or their parents should also be made aware of their right to attend and participate in the governing body meeting and the student should be enabled to make a representation on their own behalf if they desire to do so.

When establishing the facts in relation to a suspension or permanent exclusion the governing body must apply the civil standard of proof, i.e., 'on the balance of probabilities' (it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

Governing body meetings can be held remotely at the request of parents, or students if they are 18 or older. See appendix 6 for key principles when conducting meetings via the use of remote access

The governing body 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 body can either:

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

If a reinstatement meeting would make no practical difference because, for example, the student has already returned to school following the expiry of a suspension or the parents make clear they do not want their child reinstated, the governing body must still meet to consider whether the student should or would have been officially allowed back into the school.

Ideally, a reinstatement meeting should happen as soon as possible and should ideally be held before the student is back in school.

If it decides against the reinstatement of a student who has been permanently excluded the parents can request an independent review.

In reaching a decision, [the governing body 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 student and their peers
- Any evidence that was presented to the governing body

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

The clerk will be present when the decision is made.

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

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

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

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

- The fact that it is a permanent exclusion
- Notice of parents’/the student’s (if they are 18 or older) right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing body’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 student’s special educational needs (SEN) are considered to be relevant to the permanent exclusion



- That, regardless of whether the excluded student has recognised SEN, parents have a right to require the LA to appoint an SEN expert to advise the review panel
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That, if parents believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

The correct removal of students from our admission register is critical to ensuring that permanent exclusions are carried out lawfully and that student movements can be effectively monitored. By carrying this role out properly, the governing body can reduce opportunities for the illegal off-rolling of students.

The governing body will ensure that a student's name is removed from the school admission register if:

- 15 school days have passed since the parents were notified of the governing body'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.

### **Guidance if a IRP is requested**

*“The school cannot backdate the deletion of the student’s name to the date the student’s exclusion began. Where an application for an IRP has been made within 15 school days, the school must wait until the review has been determined, or abandoned, and until the governing body has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a student’s name from the register. Where a student’s name is to be deleted from the school admissions register because of a permanent exclusion the school must make a return to the local authority” p47 (Suspension and Permanent exclusion guide for maintained schools, academies and student referral units in England, including student movement May 2023*

The return must include:

- the student’s full name
- the full name and address of any parent with whom the student normally resides;

- at least one telephone number at which any parent with whom the student normally resides can be contacted in an emergency;
- and the grounds upon which their name is to be deleted from the admissions register (i.e. permanent exclusion);
- if the student's parent or parents have told the school that the student is going to live with one or more of them at a new address, the return must also include the new address, the name of the parent(s) the student is going to live there with, and the date when the student is going to start living there;
- if the student's parent or parents have told the school that the student is already registered at another school or is going to go to another school, the return must also give the name of that school and the first date when the student attended or is due to attend there; and

This return will be made as soon as the grounds for deletion is met and no later than the deletion of the student's name.

Where a student's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal (Special Educational Needs and Disability) or County Court has the power to direct that the student should be reinstated.



## Appendix 7 – Independent review clarification

If parents/**the student (if they are 18 or older)** apply for an independent review within the legal timeframe, the LA will, at their own expense, arrange for an independent panel to review the decision of the governing body not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents/**student** by **[the governing body/name of committee of the governing body]** of its decision to not reinstate the student **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. Any applications made outside of this timeframe will be rejected.

Independent reviews can be held remotely at the request of parents/**students**. 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/director]** of the **[LA/academy trust]** 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 **[LA/academy trust]**, or the governing body, 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 **[LA/academy trust]**, school, governing body, parents or student, 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
- The panel must consider the interests and circumstances of the student, including the circumstances in which the student was permanently excluded, and have regard to the interests of other students and people working at the school.

Taking into account the student's age and understanding, the student or their parents will be made aware of their right to attend and participate in the review meeting and the student 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 student'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 student's experiences, needs, safeguarding risks and/or welfare may be relevant to the student'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 student's permanent exclusion.

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

- Uphold the governing body's decision
- Recommend that the governing body reconsiders reinstatement
- Quash the governing body'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 body at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing body 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 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 body reconsider reinstatement.

## **Appendix 6: Key principles when conducting meetings via the use of remote access**

### **Things to consider**

The Headteacher and governing bodies may advise the parent or student (if they are over 18 years old), within their written notification, to consider the following, before requesting a remote access meeting:

- the technology that will be used for the governing body or IRP
- Do the parent or excluded student (if they are over 18 years old) have an appropriate space free from other distractions to enable them to participate fully with a remote access meeting
- Where the parent or excluded student (if they are over 18 years old) have limited access to the Internet, intermittent service or slower speed internet, they should not request a remote meeting for a governing body or IRP
- Where the parent or excluded student (if they are over 18 years old) initially ask for a meeting to be held via the use of remote access then decide to withdraw the request, they should inform the governing body or arranging authority without delay. The governing body or arranging authority should without delay, arrange the meeting to be held face to face.

It is important to note that headteachers and governing bodys should not place undue pressure on the parent or excluded student (if they are over 18 years old) to request a meeting to be held via the use of remote access, even if doing so means that they will arrange a meeting any sooner.

### **Running the meeting via the use of remote access**

To ensure the meeting is capable of being held fairly and transparently, the governing body or arranging authority for IRPs should make every effort to check all participants understand the proceedings and be made aware of how to raise any issues that may prevent their effective engagement.

If these conditions are not met, the meeting should not be held via remote access and must be arranged face to face without delay.

### **Things to consider**

To help meetings run smoothly and ensure they are accessible to any participants, governing bodys and IRPs should:

- provide clear instructions about how to join the meeting virtually, and distribute the joining instructions in a timely manner ahead of the meeting
- indicate a named person who parents, excluded students (if they are over 18 years old) or any participant should contact, if they have any questions before the meeting takes place
- consider holding a 'test meeting' with any participant to check the available technology is suitable, and that all participants understand how to access the meeting
- ensure that the chair of governors or IRP is prepared to explain the agenda at the start and provide clear guidance on how the meeting will be run, for example:
  - how participants should indicate they wish to speak
  - how any 'chat' functions should be used
  - whether there will be any breaks in proceedings
  - how parents and excluded students can access advocacy services during the meeting

### **Things to remember**

The use of remote access does not alter other procedural requirements that apply to governing bodies, arranging authorities or IRPs. For example, if a parent requests the appointment of a special educational needs expert to advise a review panel, the arranging authority must appoint one and cover the cost as normal. Parents or excluded students (if they are 18 years old or older) may be joined by a friend as normal.

The governing bodies and IRPs must consider written representations if they are made.

The law does not allow for solely paper based 'meetings', conducted in writing.

For the purposes of which information is recorded within minutes, the normal rules apply as per this guidance, and the governing body and IRP can instruct the clerk to record any information or instructions that they deem sensible to include so that the minutes provide a clear and sufficient record of all relevant parts of the meeting, for example, how chat functions or messages will be monitored.