Suspension and Exclusion Policy

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Statement of intent

At Lepton CE Primary Academy, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending or excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding pupils should only be used as a means of last resort.

This policy clearly defines the legal responsibilities of the Headteacher, Local Governing Board, Academy Trust and Local Authority (LA) when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education

despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

A **"suspension"** is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.
An **"exclusion"** is defined as the permanent removal of a pupil from the school, in response to a serious breach or persistent breaches of the school's Behaviour Policy, and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or staff in the school.

Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The European Convention on Human Rights (ECHR)

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2022) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2022) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

This policy operates in conjunction with the following school policies:

- Behaviour Policy
- Anti-Bullying Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Child Protection and Safeguarding Policy

Roles and responsibilities

The Academy Trust is responsible for:

- Arranging for an independent review panel hearing to review the decision of the Local Governing Board (LGB) not to reinstate a permanently excluded pupil where required.
- Arranging the hearing without delay at a time, date and venue convenient for all parties.
- Ensuring the independent review panel consists of three members, which represent the required categories.
- Appointing a clerk to provide advice to the panel and parties to the review on procedure, law and statutory guidance on suspensions and exclusions.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.
- Using data to evaluate the school's practices regarding intervention, suspension and exclusion.

The Local Authority (LA) is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of Looked After Children (LAC)
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing pupils' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.

The Local Governing Board (LGB) is responsible for:

- Ensuring that suitable full-time education for any pupil of compulsory school age excluded on a fixed-term basis from the sixth day of exclusion has been arranged.
- Considering parents' representations about suspensions and exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where a suspension or exclusion would result in a pupil missing a public examination or test, considering the suspension or exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Ensuring clear minutes are taken of the representation meeting.
- Notifying the pupil's parents, the Headteacher and Local Authority (LA) of its decision and the reasons for it, without delay.
- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the suspensions and exclusions Independent review panel.
- Using data to evaluate the school's practices regarding intervention, suspension and exclusion.

The clerk to the suspensions and exclusions review panel is responsible for:

- Making reasonable efforts to inform the appropriate individuals that they are entitled to:
  - Make written representations to the panel.
  - Attend the hearing and make oral representations to the panel.
  - Be represented.
- Making reasonable efforts to circulate copies of relevant papers at least five school days before the review to all parties.
- Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel.

The Headteacher is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, bullying or has a mental health issue.

- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions as a sanction, e.g. if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be excluded on disciplinary grounds.
- Withdrawing any suspensions or exclusions that have not been reviewed by the Local Governing Board (LGB), where appropriate.
- Ensuring any decision to exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension or exclusion.
- Making the decision to exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a pupil's parents without delay where the decision is taken to exclude the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Arranging alternative provision from the sixth day of an exclusion.
- Ensuring that all information provided to parents is clear and easily understood.
- Without delay, notify the Local Governing Board (LGB) and the Local Authority (LA) of:
    - any permanent exclusion (including where a fixed-period exclusion is followed by a decision to permanently exclude the pupil);
    - any exclusion which would result in the pupil being excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
    - any exclusion which would result in the pupil missing a public examination or national curriculum test.
- Notify the Local Governing Board (LGB) once per term of any other exclusions not already notified.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged.

Grounds for suspension or exclusion

The school will only exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour Policy, have failed to be successful.

The following examples of behaviour may warrant the decision to suspend or exclude a pupil:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Bullying
- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse

Pupils can be suspended on a fixed-period basis, i.e. for up to 45 school days within a year, or permanently excluded. Similarly, pupils can be permanently excluded following a suspension, where further evidence is presented. In all cases,

the Headteacher will decide whether a pupil will be subject to a suspension or an exclusion, depending on what the circumstances warrant.

The Headteacher's power to suspend and exclude

Only the Headteacher (or Deputy Headteacher in the absence of the Headteacher) has the power to suspend or exclude a pupil from the school and is able to decide whether either a suspension or exclusion is appropriate. All suspensions and exclusions will only be issued on disciplinary grounds.

The Headteacher is able to suspend pupils where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day. The Headteacher is also able to consider a pupil's disruptive behaviour outside of the school premises as grounds for suspension or exclusion, in accordance with the school's Behaviour Policy.

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

Any decision made to suspend or exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the school's wider legal duties, including the ECHR. At all times, the Headteacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. race, sex, or disability, and will not increase the severity of a pupil's suspension or exclusion on these grounds.

The Headteacher will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The Headteacher may cancel any suspension or exclusion that has already begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the Local Governing Board. Where a suspension or exclusion is cancelled, the Headteacher will notify the pupil's parents, the Local Governing Board, the LA, and where relevant the Virtual Schools Headteacher (VSH) and the pupil's social worker. The Headteacher will offer the pupil's parents the opportunity to meet with the Headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school.

The Headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the Local Governing Board once per term, to allow the Local Governing Board to have appropriate oversight.

The Headteacher may withdraw any suspension or exclusion that has not already been reviewed by the Local Governing Board.

The Headteacher will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g. sending a pupil home to 'cool off', regardless of whether the parents have agreed to this. The Headteacher will not use the threat of suspension or exclusion as a means of instructing parents to remove their child from the premises.

Factors to consider when suspending or excluding a pupil

When considering the suspension or exclusion of a pupil, the Headteacher will:

- Allow the pupil the opportunity to present their case.
- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 excluded days per school year, and whether suspension is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.

The Headteacher will consider what extra support may be available for vulnerable pupil groups whose suspension and

exclusion rates are higher, to reduce their risk of suspension or exclusion, including the following:

- LAC
- Pupils eligible for FSM
- Pupils with SEND
- Certain ethnic groups

The Headteacher will consider avoiding permanently excluding LAC, or those pupils with an EHC plan. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Headteacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities.

Additionally, for any pupil with an EHC Plan (or undergoing SEN support), the Headteacher will contact the local authority's SEN department at an early stage to review the pupil's support and, if necessary, request an urgent early annual review of the EHC plan **before** any exclusion decision. The school will work with the LA to determine if additional support or an alternative placement can be put in place to address the pupil's needs and avoid exclusion. Likewise, if a pupil is **looked-after** or has a social worker, the Headteacher (and the Designated Teacher for LAC) will inform the child's social worker and the Virtual School Head at the earliest opportunity when serious misbehaviour occurs. Together they will consider what additional assessment or intervention (e.g. via the LA's inclusion team or other services) could prevent the need for suspension or exclusion.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's Behaviour Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered. In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND be excluded before the graduated response process has been completed.

Where a pupil with SEND is permanently excluded because of a SEND need that could not be met at the school, detailed records will be kept highlighting that these pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination.

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

Preventative measures

Before taking a final decision to exclude, the Headteacher will consider whether it is in the best interests of all parties to initiate off-site directions or managed moves as preventative measures to exclusion.

In line with local authority protocols, the Headteacher will also engage with any local inclusion forums or Fair Access Panels available to seek a support plan or managed move for the pupil prior to exclusion. For example, the academy can refer pupils at risk of permanent exclusion to Wakefield's multi-agency Inclusion Panels under the Wakefield Families Together model educationservices.wakefield.gov.uk. In Kirklees, the school may work through its local Behaviour & Attendance Collaborative (BAC) to arrange a managed move as an alternative to exclusion kirkleeslocaloffer.org.uk. In Barnsley, the school will liaise with the LA's inclusion team or Fair Access Panel (via the Barnsley Schools' Alliance) to explore a possible managed move or alternative provision, ensuring that **all other avenues** have been exhausted before proceeding with a permanent exclusion barnsley.gov.uk. By utilizing these LA-supported measures, the Trust is better able to prevent exclusions where possible and adhere to each LA's expectations for reducing exclusion rates

Off-site direction

The Headteacher may use their general powers to consdier for any registered pupil to attend at any place outside the school premises for the purpose of receiving educational provision intended to improve their behaviour. This decision should be made following discussion with the Chief Executive Officer.

The Headteacher will discuss with the pupil and their parents, whether off-site direction is an appropriate solution to manage a pupil's behaviour and avoid suspension or exclusion. Where all parties agree to this course of action, the

school will work with the pupil and their parents to discuss and agree a plan for the off-site direction, including a proposed maximum period of time that the pupil will be at the alternative provision and any alternative options that will be considered once the time limit has been reached, e.g. managed moves.

The Headteacher will notify parents, and the LA if the pupil has an EHC plan, in writing with information about the placement no later than two school days before the relevant day.

The Headteacher will keep any off-site placements under review ensuring that review meetings are convened at a time suitable for the pupil's parents and will invite parents in writing to each review meeting no later than six days before that date. Where parents request, in writing, that the Local Governing Board hold a review meeting, the Local Governing Board will arrange review meetings in response, as soon as is reasonably practicable, unless there has been a review meeting in the previous 10 weeks.

The Headteacher will decide at each review meeting whether the arrangement will continue and for what period of time; the meeting will also decide arrangements for further reviews. Reviews will be recorded in writing, including any decisions made regarding the placement.

Managed moves

Where it is thought to be in a pupil's best interest to transfer them to another mainstream school permanently, the Headteacher will discuss this with CEO, the parents of the pupil, and the LA if the pupil has an EHC plan – managed movies will only go ahead with the voluntary agreement of all parties involved, including the parents and the admission authority of the new school.

The school will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. The school will participate in information sharing with the pupil's new school, including sending data on prior and current attainment, academic potential and any risk management strategies. The school will also cooperate with the pupil's new school to create an effective integration strategy.

Parents who have concerns that a managed move is being forced on them or who are unhappy with a managed move will be referred to the Complaints Policy and Procedure.

Duty to inform parents

Following the Headteacher's decision to exclude a pupil, they will immediately inform the parents, in person or by telephone, of the period of the suspension or permanency of the exclusion and the reasons behind this.

The Headteacher will inform the parents in writing (electronically if written permission has been received from the parents for notices to be sent this way) of the following:

- The reason(s) for the suspension or exclusion
- The length of the suspension or, permanency of the exclusion
- Their right to raise any representations about the suspension or exclusion to the Local Governing Board (LGB), including how the pupil will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the Local Governing Board (LGB) to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
- Relevant sources of free, impartial information

Where the pupil is of compulsory school age, the Headteacher will inform the parents by the end of the afternoon session that for the first five days of the suspension (or until the start date of any alternative provision or the end of the suspension where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.

Where the Headteacher has arranged alternative provision (from Day 6), they will also inform the parents of the following:

- The start and end date for any provision of full-time education
- The address at which the provision will take place
- Any information necessary for the pupil to identify the person they should report to on the starting date

Where the Headteacher is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision. If the alternative provision is due to begin before the sixth day of the suspension or exclusion, the Headteacher is able to give less than 48 hours of notice, with parental consent.

If the Headteacher has decided to exclude the pupil for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents without delay and issue a new suspension or exclusion notice to parents.

Duty to inform the Local Governing Board (LGB) and Local Authority (LA)

The Headteacher will inform the Local Governing Board (LGB) and Local Authority (LA), without delay, of the following:

- Any permanent exclusions (including where suspension is followed by a decision to permanently exclude the pupil)
- Any suspensions which would result in the pupil being excluded for more than five school days in a term (or more than 10 lunchtimes)
- Any suspensions or exclusions which would result in the pupil being absent from an examination or national curriculum test

For any suspensions and exclusions, other than those above, the Headteacher will notify the Local Governing Board (LGB) once per term.

The Headteacher will inform the LA of all suspensions or exclusions, regardless of their length, without delay.

In doing so, the Headteacher will follow each LA's prescribed procedures. For example, in Kirklees the official Permanent Exclusion Notification Form must be completed and sent to the LA without delay. In Wakefield and Barnsley, the Headteacher will promptly notify the LA's School Exclusion team – typically by telephone or email (e.g. via exclusions@wakefield.gov.uk(wakefield.gov.uk) or exclusions@barnsley.gov.uk (barnsley.gov.uk) – providing the pupil's details, reasons, and duration of the exclusion. This immediate notification ensures the LA can fulfill its duties (such as arranging Day 6 education for permanent exclusions and offering advice to parents) in line with statutory guidance

All notifications to the Local Governing Board (LGB) and Local Authority (LA) will include the reasons for suspension or exclusion and the duration of any suspension.

If the pupil who is excluded lives outside the Local Authority (LA) in which the school is located, the Headteacher will notify the pupil's 'home authority'.

Duty to inform social workers and the Virtual School Headteacher (VSH)

When a pupil has been suspended or excluded, the Headteacher will, without delay, notify the pupil's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.

Social workers and/or the VSH will also be informed when a meeting of the governing board is taking place, and will be invited to attend the meeting should they wish to do so.

Arranging education for excluded pupils

For any suspensions of more than five school days, the Headteacher will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of suspension. Where a pupil receives consecutive suspensions, these

will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension. For permanent exclusions, full-time education will be provided by the Local Authority (LA) for the pupil from the sixth day of exclusion.

The Local Governing Board (LGB) is aware that it is beneficial to suspended and excluded pupils to begin their alternative education arrangements before the sixth day of suspension or exclusion; therefore, the Local Governing Board (LGB) will always expect that the Headteacher attempts to arrange alternative provision before the sixth day of suspension or exclusion.

Where it is not possible to arrange alternative provision during the first five days of exclusion, the school will ensure that they take reasonable steps to set and mark work for the excluded pupil.

If a pupil with SEND has been suspended or excluded, the Local Governing Board (LGB) will ensure that:

- Any alternative provision is arranged in consultation with the pupil's parents, who are able to request preferences.
- When identifying alternative provision, any EHC plan is reviewed or the pupil's needs are reassessed, in consultation with the pupil's parents.

Considering exclusions

A panel of 3 governors from the Local Governing Board (LGB) will consider any representations made by parents regarding suspensions and exclusions. If 3 governors cannot be found from the school's Local Governing Board (LGB), governors from other Boards may be considered.

Parents and, where requested, a friend or representative, the Headteacher, and a member of the Local Authority (LA) will be invited to attend any consideration of suspensions and exclusions and will be able to make representations. Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

This invitation to the LA applies for all our academies' exclusion review meetings, reflecting local authority expectations. While LA representatives automatically attend maintained school exclusion hearings, our Trust extends an invitation to the LA for academy exclusion meetings as well, to promote consistency and transparency. The LA representative can offer guidance on procedure and ensure that the process follows latest regulations educationservices.wakefield.gov.uk. Each of our three LAs (Wakefield, Kirklees, Barnsley) welcomes this approach as it enables information-sharing and support during the exclusion process

Where it is appropriate to the pupil's age and level of understanding, the pupil will also attend any consideration meeting, and will be enabled to make a representation on their own behalf if they desire to do so.

The exclusion notification to parents will inform them of their **right to request a governing board meeting via remote access** (video/telephone conference) if they prefer this format. The academy will accommodate such requests, provided all participants can engage fairly and transparently through the remote medium, in line with DfE guidance

The Local Governing Board (LGB) Panel will consider the reinstatement of an excluded pupil, where:

- The exclusion is permanent.
- The suspension is fixed-term and would bring the pupil's total number of excluded school days to more than 15 in any given term.
- The suspension or exclusion would result in the pupil missing a public examination.

In the case of a suspension where the pupil's total number of suspended days is more than 5 but less than 16 school days within a term, if parents make representations, the Local Governing Board will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the Local Governing Board will consider the reinstatement on their own.

Where a suspension will take a pupil's total number of school days out of school above five but less than 15 for the term, and parents have not requested a Local Governing Board meeting, the Local Governing Board will not be required

to consider the pupil's reinstatement but it will have the power to do so if it deems it appropriate.

Where a suspension will not bring a pupil's total number of days of suspension or permanent exclusion to more than five days in a term, the Local Governing Board will consider all representations made by parents; however, the board cannot direct the reinstatement of the pupil and it is not required to arrange a meeting with parents.

Where suspension or exclusion would result in a pupil missing a public examination, the Local Governing Board (LGB) will consider the suspension or exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.

In light of the above, the Local Governing Board (LGB) will also consider whether it would be appropriate to allow the excluded pupil to enter the premises to take the examination.

When considering the reinstatement of an excluded pupil, the Local Governing Board (LGB) will:

- Only discuss the suspension or exclusion with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow pupils and parents to be accompanied by a person of their choice to the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- Identify the steps needed to enable and encourage the excluded pupil to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the excluded pupil, including the grounds for suspension exclusion.

Reaching a decision

After considering suspensions and exclusions, the panel of the Local Governing Board (LGB) will either:

- Decline to reinstate the pupil.
- Direct the reinstatement of the pupil immediately, or on a specified date.

If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the Local Governing Board (LGB) will still consider whether the pupil should be officially reinstated, and whether the Headteacher's decision to exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The Local Governing Board (LGB) will apply the civil standard of proof when responding to the acts relating to an suspension or exclusion, i.e. that on the 'balance of probabilities' it is more likely than not that the facts are true.

To reach a decision, the Local Governing Board (LGB) will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the suspension or exclusion of the pupil was lawful, proportionate and fair, taking into account the Headteacher's legal duties and any evidence that was presented to the Local Governing Board (LGB) in relation to the decision to exclude.
- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
- Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the pupil.

Notification of considered suspensions and exclusions

The Local Governing Board (LGB) will notify the parents of the excluded pupil, the Headteacher and the Local Authority (LA) of their decision following the consideration of a suspension or exclusion, in writing and without delay.

In the case of a permanent exclusion, where the Local Governing Board (LGB) decides not to reinstate the pupil, they will notify the parents:

- That it is permanent, and their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion.
- That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the Local Governing Board (LGB) to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

The Local Governing Board (LGB) will also notify parents that, if they believe a suspension or exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

After any conclusion, the Local Governing Board (LGB) will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

Removing permanently excluded pupils from the school register

The Headteacher will remove pupils from the school register if:

- 15 school days have passed since the parents were notified of the Local Governing Board (LGB)'s decision not to reinstate the pupil and no application for an independent panel review has been received.
- The parents have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.

If an application for an independent panel review has been made within 15 school days, the Headteacher will wait until the review has been determined, or abandoned, and until the Local Governing Board (LGB) has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.

If a pupil's name is to be removed from the register, the Headteacher will make a return to the Local Authority (LA), which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the pupil normally resides.
- The grounds upon which the pupil's name is to be removed from the register.

Any return to the Local Authority (LA) will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Education off-site

- Code D: Dual registration
- Code E: Absent and not attending alternative provision

Independent review panel

The Academy Trust will review the Local Governing Board (LGB)'s decision not to reinstate a permanently excluded pupil if the parents submit their application for this within the required time frame.

The Trust will constitute an independent review panel of three members that represent the following categories:

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity.
- A current or former school governor who has served for at least 12 consecutive months in the last 5 years.
- A Headteacher or individual who has been a Headteacher within the last 5 years.

Parents are required to submit their applications within:

- 15 school days of the Local Governing Board (LGB)'s notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of the above timeframe will not be reviewed. Parents are able to request an independent panel review even if they did not make a case to, or attend, the Local Governing Board (LGB)'s initial consideration of the exclusion.

The Trust will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Exclusion from maintained schools, academies and pupil referral units in England'.

Appointing a SEND expert

If requested by parents in their application for an independent review panel, the Trust will appoint a SEND expert to attend the panel and covers the associated costs of this appointment. Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

The Trust will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

An individual will not serve as a SEND expert if they have, or at any time have had, any connection with the Trust, school, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the Trust.

The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals might include educational psychologists, specialist SEND teachers, SENCOs and behaviour support teachers.

Recently retired individuals are not precluded from fulfilling this role; however, during interview, the Trust will assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the Trust, they will not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The Trust will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

The final decision on the appointment of a SEND expert is for the Trust to make, but it will take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents a choice of SEND expert. In order to meet its duties within the statutory time frame, the Trust should consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.

The Trust will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

The role of a SEND expert

The SEND expert's role is analogous to an expert witness, providing (orally and/or written) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the pupil's SEND.

The focus of the SEND expert's advice will be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the pupil's exclusion.

Where the school does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

The SEND expert will not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

Appointing a clerk

The Trust will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.

Where a clerk is appointed, the Trust will ensure that the clerk did not serve as clerk to the Local Governing Board (LGB) when the decision was made not to reinstate the pupil.

The role of a clerk

The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.

The clerk will:

- Identify, in advance of the meeting, whether the excluded pupil wishes to attend the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance.
- Identify, in advance of the meeting, whether any alleged victims of the incident(s) leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.
- Ensure that the panel is able to hear from any witnesses to the incident(s) leading to the exclusion, taking into account the fact that some of these people may be pupils at the school. Pupils under 18 will not be allowed to appear in person without parental consent.
- Inform the parents, Headteacher, Local Governing Board (LGB).
- Ensure that all parties are:
    - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
    - Informed about who is attending the meeting, and what their roles are.
- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.

Where a clerk is not appointed, the Trust will undertake the functions outlined above.

The duties of the independent review panel

The role of the panel is to review the Local Governing Board (LGB)'s decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

Following the review, the panel will do one of the following:

- Uphold the decision
- Recommend that the Local Governing Board (LGB) reconsiders reinstatement
- Quash the decision and direct that the Local Governing Board (LGB) reconsiders reinstatement

The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents, the Local Governing Board (LGB), Headteacher and the Local Authority (LA).

Reconsidering reinstatement following a review

Where the independent review panel instructs the Local Governing Board (LGB) to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

Where the independent review panel recommends that the Local Governing Board (LGB) should reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision. The school is aware that if, following a recommendation to reconsider, the Local Governing Board (LGB) does not offer to reinstate the pupil, it will not be subject to a financial adjustment. If, following reconsideration, the Local Governing Board (LGB) offers to reinstate the pupil but the parents decline, no adjustment will be made to the school's budget.

Following reconsideration, the Local Governing Board (LGB) will notify the parents, the Headteacher and the Local Authority (LA) of their reconsidered decision and the reasons for this.

Criminal investigations

The Headteacher will not postpone taking a decision to exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.

Particular consideration will be given by the Headteacher when deciding to exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the Local Governing Board (LGB) is required to consider the Headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

Training requirements

The Trust will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review. Training will cover:

- The requirements of the legislation, regulations and statutory guidance governing suspensions and exclusions.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair of a review panel.
- The role of the clerk to a review panel.
- The duties of Headteachers, Local Governing Board (LGB)s and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act.

Clerks will also have an up-to-date understanding on developments in case law which are relevant to suspension and

exclusion.

Using data

The Headteacher will ensure that all data regarding suspensions and exclusions is collected and provided to the Local Governing Board and Chief Executive Officer on a termly basis. The Local Governing Board will review this data regularly in order to:

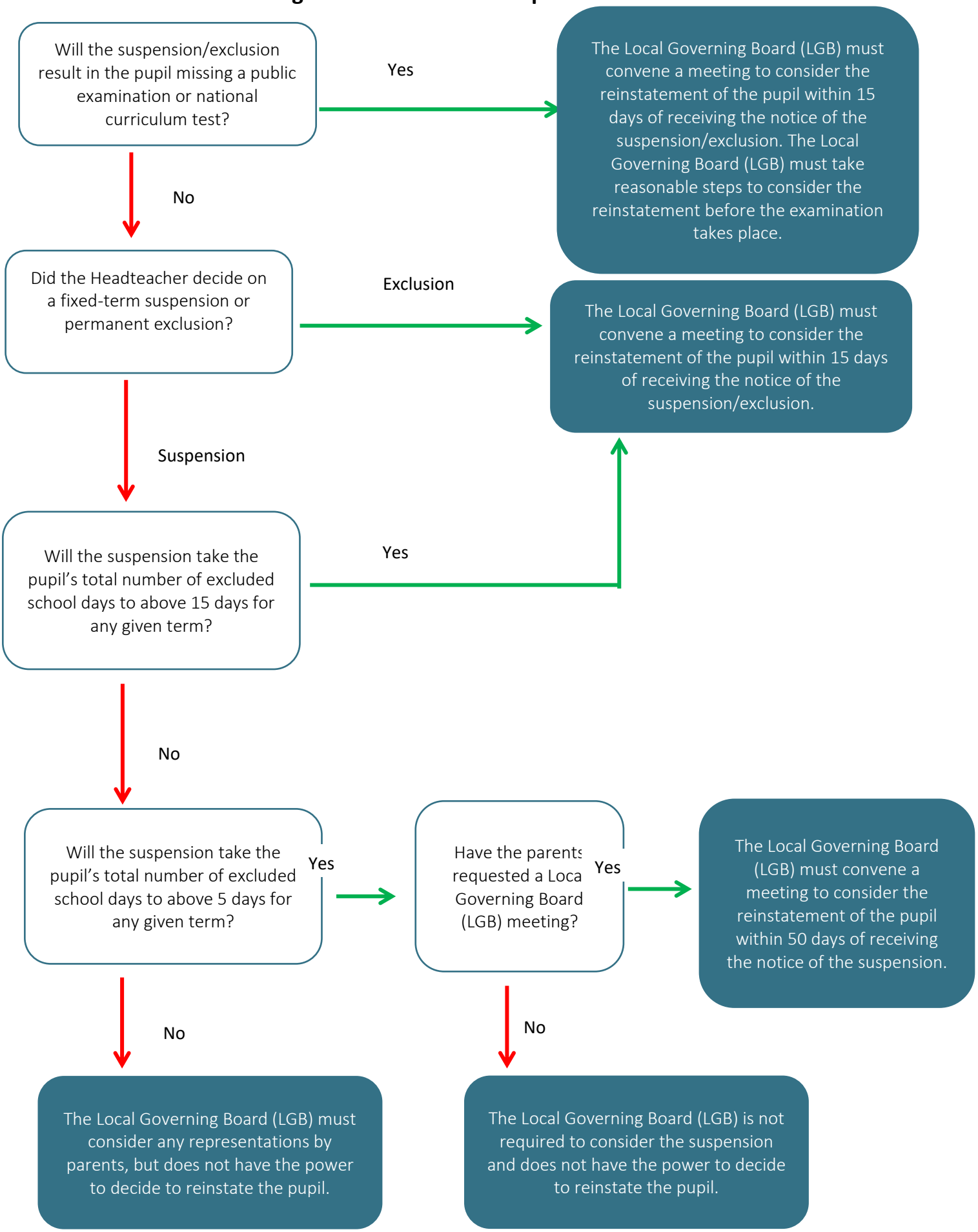
- Consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- Gather information on pupils who are taken off the roll and those who are on the roll but attending education off-site.
- Determine whether there are any patterns of suspensions and exclusions across the trust.
- Consider the effectiveness and consistency in implementing the Behaviour Policy.
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Understand the characteristics of suspended and excluded pupils and evaluate equality considerations.
- Gather information on where pupils are receiving repeat suspensions.
- Evaluate interventions in place to support pupils at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.
- Analysing 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.

Monitoring and review

This policy will be reviewed **annually** by the Trust in conjunction with the Local Governing Board (LGB). The next scheduled review date for this policy is **September 2025**.

All members of staff will be required to familiarise themselves with this policy as part of their induction programme.

Flowchart - Reviewing the Headteacher's Suspension or Exclusion Decision



Annual Local Compliance Check – Suspensions & Exclusions

(to be completed at the start of each academic year)

Each academy must confirm that the following local authority details are **up to date** and published in the school's safeguarding/admin folder.

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1. Local Authority Notification Procedures

- ☐ Current **email address/phone** for exclusions team confirmed.
- ☐ If in **Kirklees** – current Permanent Exclusion Notification Form downloaded from LA website.
- ☐ If in **Wakefield** – Inclusion Panel referral route confirmed.
- ☐ If in **Barnsley** – Exclusions Team email/contacts confirmed.

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2. Local Inclusion / Fair Access Panels

- ☐ Details of LA inclusion panels or Behaviour & Attendance Collaboratives confirmed.
- ☐ Named school contact responsible for referring cases at risk of exclusion.
- ☐ Panel dates/processes shared with DSL, SENCo, Headteacher.

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3. LA Attendance at Meetings

- ☐ Confirm that LA will be **invited** to all governing board exclusion meetings.
- ☐ LA contact list updated in clerk's template invitation letter.

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4. Vulnerable Pupils Protocol

- ☐ SEN team contact confirmed for urgent annual reviews.
- ☐ Virtual School Head (VSH) contact confirmed for looked-after children.
- ☐ Local social care duty number checked and accessible.

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5. Publication & Training

- ☐ Policy updated and published on academy website (latest version).
- ☐ Staff briefed on current LA processes at September safeguarding training.

Signed: _____ (Headteacher)
Date: _____

Checked by: _____ (Clerk/DSL)
Date: _____