

# Charter.

**The Charter Schools Educational Trust**

## **Suspensions and Exclusions**

### **Policy**

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<b>Approved by:</b>	Trust Board	
<b>Last reviewed on:</b>	17 June 2024	Version 3
<b>Next review due by:</b>	July 2025	

## Suspension and Exclusion Policy 2024-25 Table of substantive changes

This Table explains where we have made substantive changes from version 2 (2023-24). Please note no changes to statutory guidance in the past year – changes reflect updates in KCSIE and for operational clarification.

Section number	Change
Page 10 – section 6	Added in names of pupil information systems we use in the Trust
Page 12 - Section 9	Added that the power to direct off-site is delegated to the Headteacher by the Trust Board and that they will receive reports termly on the number of pupils directed off site  Added in section that the school remains responsible for the safeguarding of any pupil in AP and that the school will reassure itself that appropriate checks have been carried out
Page 23 – section 28	Included safeguarding in the requirement to ensure AP is suitable and quality assured

## Contents

<b>Statement of Intent</b> .....	4
<b>Definitions</b> .....	4
<b>Legislation and statutory duty</b> .....	5
1. Introduction.....	6
2. Application of policy.....	6
3. Types of exclusion .....	6
4. Roles and responsibilities .....	7
5. Grounds for suspension or exclusion .....	9
6. The Headteacher’s power to suspend and exclude .....	10
7. Suspensions before a permanent exclusion.....	11
8. Factors to consider when suspending or excluding a pupil .....	11
9. Preventative measures.....	13
10. Duty to inform parents .....	14
11. Duty to inform the governing board and LA .....	15
12. Duty to inform social workers and the virtual school head (VSH).....	15
13. Arranging education for suspended and excluded pupils .....	16
14. Considering suspensions and exclusions .....	16
15. Reaching a decision.....	18
16. Notification of considered suspensions and exclusions .....	18
17. Removing excluded pupils from the school register.....	19
18. Independent review panel.....	20
19. Appointing a SEND expert.....	20
20. The role of the SEND expert.....	21
21. Appointing a clerk to the IRP .....	21
22. The duties of the independent review panel.....	21
23. Conducting PDC meetings or IRPs via remote access .....	21
24. Reconsidering reinstatement following an IRP .....	22
25. Reintegration strategy meetings following suspension or off-site direction .....	23
26. Criminal investigations.....	23
27. Equality impact.....	24
28. Monitoring arrangements.....	24
29. Complaints .....	25

## Statement of Intent

At The Charter Schools Educational Trust (the 'Trust'), we understand that good behaviour and discipline is essential for promoting a high-quality education.

As a Trust, we do not wish to suspend or permanently exclude any child from any of our schools but on rare occasions, this may be necessary. Our aims are to ensure that:

- The process is applied fairly and consistently
- The process is understood by Trustees, local governors, staff, parents and pupils
- The Trust and its schools maintain a safe and caring environment in which all pupils can learn and succeed
- Rigorous Early Help strategies are used to support pupils to reduce the need for any suspension or permanent exclusion
- Pupils do not become NEET (not in education - employment or training)

Amongst other disciplinary sanctions, our schools recognise that the suspension or permanent exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. The suspension or permanent exclusion of 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, suspension or permanent exclusion of a pupil will only be used as a means of last resort.

The Trust has created this policy to clearly define the legal responsibilities of the Headteacher, Trustees and Local Governors and the Local Authority 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 must be read alongside the statutory guidance as set out in DfE (2023) ['Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'](#).

This policy also aims to secure a pupil's right to an education despite having been excluded, by ensuring that appropriate alternative arrangements are in place.

## Definitions

The Department for education has started to refer to **'fixed-term'** or **'fixed-period'** exclusions as **'suspensions'**. This refers to the temporary removal of a pupil from the school for a violation of the school's behaviour policies, for one or more fixed periods (up to a maximum of 45 school days in a single academic year).

A **'permanent exclusion'** is the most serious sanction a school can give if a pupil does something that is against the school's behaviour policy. It means that the pupil is no longer allowed to attend the school and their name will be removed from the school roll.

Throughout this policy we will refer to 'suspensions' when referring to a temporary removal of a pupil and 'permanent exclusion' when referring to a permanent exclusion where a pupil's name is removed from the school roll.

### Legislation and statutory duty

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)
- European convention on Human Rights (EHCR)
- Equality Act 2010

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

- DfE (2023) '[Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#)'
- DfE (2024) '[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/Trust policies:

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

## 1. Introduction

- The Charter Schools Educational Trust's suspension and exclusion policy aims to set out the process that will be followed and the additional considerations around suspensions and exclusions that our schools will apply. Good behaviour and self-discipline lead to effective learning and help prepare children and young people for life beyond the school gate.
- Where the individual school's approaches towards behaviour management have been exhausted, then suspensions or permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.
- The Trust and its schools must always have regard to the DfE Statutory Guidance on Suspensions and Exclusions (2023) when making decisions on suspensions and exclusions and will follow the law, as set out in the relevant School Discipline (Pupil Exclusions and Reviews) (England) Regulation 2012 (as amended).
- This policy should be read in conjunction with the respective school's behaviour policy and the Trust SEND policy.

## 2. Application of policy

- This policy applies to all members of the Trust community. Each school within the Trust will apply suspensions and exclusions in accordance with this policy and ensure that its contents are relayed to all staff, parents and pupils.

## 3. Types of exclusion

Suspensions and permanent exclusions are different:

- Suspensions (previously called fixed-term exclusions) are where a pupil is prevented from attending the school for a fixed period. At the end of the period, they are expected to return to school following a reintegration meeting. A pupil may receive a maximum 45 days of suspension in an academic year before being permanently excluded.
- Permanent exclusions are where, subject to a decision of the governors' pupil discipline committee to reinstate the pupil to the school, the pupil is prevented from attending the school again. A decision to permanently exclude will only be taken 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 pupil or others such as staff or pupils in the school.

#### 4. Roles and responsibilities

All members of the Trust community are expected to follow this policy. Roles, responsibilities and expectations of each section of the Trust community are set out in detail below.

##### **The Headteacher (read also Principal)**

All decisions to suspend or permanently exclude a pupil will be taken by the Headteacher after considering all the circumstances. Every decision made will be proportionate to the seriousness of the behaviour with reference to the school's behaviour policy.

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, experienced 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 sanctions, 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, those 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 suspended or excluded on disciplinary grounds.
- Adhering to their responsibilities when cancelling an exclusion before the governing board has met to consider whether the pupil should be reinstated. Withdrawing any suspensions or exclusions that have not been reviewed by the governing board, where appropriate.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or 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 suspend or 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 suspend or 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.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the governor responsible and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the local governing board once per term of any exclusions in the headteacher's report to governors.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged.

### **The Trust Board**

The Trust board is responsible for forming committees to review exclusions and suspensions when it is required to do so, it is requested by parents, or it is, in its view, prudent to review an individual decision. In our Trust this task is delegated to a pupil discipline committee which can be made up of a minimum of three local governors and/or trustees. In each case, the decision of the committee will be to decide whether to uphold the exclusion or suspension, or instead to reinstate the pupil to the school.

The Trust is responsible for:

- Providing information to the Secretary of State and LA about any suspensions and exclusions within the last 12 months.
- Arranging suitable full-time education for any pupil of compulsory school age who is suspended, where required.
- 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.
- Arranging for the representation meeting to take place via remote access where requested by parents or excluded pupils aged 18 and over.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Considering the interests and circumstances of the suspended or excluded pupil, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the school.

- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's parents, the headteacher and the LA of its decision and the reasons for it, without delay.
- Appointing a clerk to provide advice to the relevant panel and parties to the review on procedure, law and statutory guidance on suspensions and exclusions.
- 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.
- Arranging for an independent review panel hearing to review the decision of the governing board not to reinstate a permanently excluded pupil where required.
- Arranging for the independent review panel hearing to be held via remote access where requested by parents or excluded pupils aged 18 and above.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the suspensions and exclusions review panel. (IRP)
- Using data to evaluate the school's practices regarding intervention, suspension and exclusion.

### **The Clerk to the pupil discipline committee panel**

The Clerk is responsible for:

- Informing 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.
- Circulating 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 within the timeframe of the policy.

## 5. Grounds for suspension or exclusion

The school will only suspend or 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.

## 6. The Headteacher's power to suspend and exclude

Only the Headteacher (read also Principal) 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 European Convention on Human Rights (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 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, or one that has not yet begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the pupil discipline committee (PDC).

Where a suspension or exclusion is cancelled, the Headteacher will, without delay, notify the pupil's parents, the governors and Trust, the LA, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The notification will also provide the reason for the cancellation. The Headteacher will offer the pupil's parents the opportunity to meet with them to

discuss the circumstances that led to the cancellation of the suspension or exclusion, and the pupil will be allowed back into school without delay.

When a suspension or exclusion is cancelled, the governors' duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.

Any days spent out of school as a result of a suspension or exclusion prior to it being cancelled will count towards the maximum 45 school days that a pupil can be suspended or excluded in an academic year.

A permanent exclusion will not be cancelled if the pupil has already been suspended or excluded for more than 45 school days in an academic year or if they will have been so by the time the cancellation takes effect.

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

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.

All suspensions and exclusions will be formally recorded on the school's pupil information system (Bromcom or SIMs)

## 7. Suspensions before a permanent exclusion

In exceptional circumstances, pupils may receive a suspension prior to a permanent exclusion. For each decision, the Headteacher will send the relevant letter setting out the rights of parents.

A suspension cannot be converted into a permanent exclusion and so any subsequent permanent exclusion would be a fresh decision due to commence immediately after the suspension had ended. Exceptional circumstances may include where further evidence has come to light or where the incident was serious, and time is required to fully investigate the circumstances and consider alternatives.

## 8. Factors to consider when suspending or excluding a pupil

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

- Take the pupil's views into account, considering these in light of their age and understanding, unless it would not be appropriate to do so. The pupil will in these circumstances be informed about how their views have been factored into any decision made. Where relevant, the pupil will be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker.

- 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 suspended 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.

### **CCTV, witness evidence and pupil views**

- The Trust uses Close Circuit Television (CCTV) within its premises. This is to provide a safe and secure environment for pupils, staff and visitors. If behavioural incidents are recorded on CCTV, the footage may be viewed as part of the investigation and the content considered before imposing a sanction. If CCTV is relied upon for a decision on a suspension or exclusion, then it will be shown in some format (redacted as necessary) at any governors' pupil discipline committee meeting. Please see the Trust's CCTV policy and privacy notices for more information.
- Where witness evidence is relied upon, whether that be from a pupil or a staff member, the statement(s) will be provided at any governors' pupil discipline committee meeting. All statements will be signed and dated unless the Headteacher has good reason to protect the anonymity of the relevant witness. Reasons may include threats of reprisals.

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

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 or SEMH issues be suspended or excluded before the graduated response process has been completed.

Where a pupil with SEND or SEMH issues is excluded because of a SEND- or SEMH-related 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.

## 9. 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.

### **Off-site direction**

The board of trustees may use their general powers to arrange 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 power is delegated in practice to the school leader, and the Board will receive termly updates on the number and length of any off-site directions.

Where other interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction should be used to arrange time limited placements at an alternative provision or another mainstream school.

The Headteacher will decide, in communication 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. 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 school will keep any off-site placements under review by holding review meetings at agreed and appropriate intervals and will ensure, where possible, 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.

The school 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.

Note: In line with statutory guidance within 'Keeping Children Safe in Education', where the school places a pupil with an alternative provision provider, the school is responsible for the safeguarding of that pupil.

The schools will obtain written confirmation from the alternative provision provider that appropriate safeguarding checks have been carried out on individuals working at the establishment.

### **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 the parents of the pupil, and the LA if the pupil has an EHC plan. This is known as a managed moves, and 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 Trust Complaints Policy and Procedure.

### 10. Duty to inform parents

Following the Headteacher's decision to suspend or exclude a pupil, they will immediately inform the parents, or the excluded pupil if they are 18 or older, in person or by telephone, supported by email communication, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.

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

- The reasons 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 governing board, including how the pupil will be involved in this and how the representations will be made
- Their right to make a request to hold the meeting via remote access and how this request can be made
- Their right to attend a meeting where there is a legal requirement for the governing board 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 exclusion (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, 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 suspend 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.

### 11. Duty to inform the governing board and LA

The Headteacher will inform the Trust and the LGB, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the pupil)
- Any suspensions which would result in the pupil being suspended for more than 5 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 Trust and LGB once per term.

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

All notifications to the governing board and LA will include the reasons for suspension or exclusion and the duration of any suspension.

If a pupil who is suspended or excluded lives outside the LA in which the school is located, the Headteacher will notify the pupil's 'home authority'.

### 12. Duty to inform social workers and the virtual school head (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 pupil discipline committee is taking place and will be invited to attend the meeting should they wish to do so.

Social workers and VSHs will be allowed to join a pupil discipline committee meeting or independent review panel via the use of remote access, as long as the arranging authority is satisfied they will be able to participate effectively, they can hear and be heard throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent.

### 13. Arranging education for suspended and excluded pupils

For any suspensions of more than five school days, the Trust 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 exclusions, full-time education will be provided for the pupil from the sixth day of exclusion, and this is arranged by the local authority.

The Trust will not arrange full-time education for any pupil who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.

The Trust 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 Trust will always attempt to arrange alternative provision before the sixth day. Where it is not possible to arrange alternative provision during the first five days, the school will ensure that they take reasonable steps to set and mark work for the pupil.

If a pupil with SEND has been suspended or excluded, the Trust 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.

### 14. Considering suspensions and exclusions

The Trust will ensure that any representations made by parents regarding suspensions and exclusions are considered. This is delegated to the pupil disciplinary committee (PDC) which will consist of at least three members who can be local governors or trustees.

Parents and, where requested, a friend or representative, the Headteacher, and a member of the 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. Parents, and excluded pupils if they are over 18, will also be able to request that the meeting is held via remote access.

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 PDC will consider the reinstatement of a suspended or excluded pupil, where:

- The exclusion is permanent.
- The suspension is fixed period and would bring the pupil's total number of suspended 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 not more than 15 school days within a term, if parents make representations, the PDC must be convened and will consider suspensions within 50 school days of receiving the notice of the suspension.

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** made representations, the PDC will not be required to consider the pupil's reinstatement.

Where a suspension will not bring a pupil's total number of days of suspension to more than five days in a term, the governors will consider all representations made by parents; however, the governors cannot direct the reinstatement of the pupil and are not required to arrange a meeting with parents.

Where suspension or exclusion would result in a pupil missing a public examination, the PDC will consider the suspension or exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of governors to consider the decision before the examination, a smaller sub-committee will consider the suspension or exclusion and decide whether or not to reinstate the pupil.

In light of the above, the PDC will also consider whether it would be appropriate to allow the suspended or excluded pupil to enter the premises to take the examination.

When considering the reinstatement of a pupil, the PDC 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 suspended or 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 pupil, including the grounds for suspension or exclusion.

## 15. Reaching a decision

After considering suspensions and exclusions, the PDC 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 PDC will still consider whether the pupil should be officially reinstated, and whether the headteacher's decision to suspend or exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The governors will apply the civil standard of proof when responding to the acts 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.

To reach a decision, the PDC 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 governing board in relation to the decision.
- 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.

## 16. Notification of considered suspensions and exclusions

The governors will notify the parents of the suspended or excluded pupil, the Headteacher, and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay.

In the case of exclusion, where the governors decide not to reinstate the pupil, they will notify the parents:

- That the exclusion is permanent.
- Of 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 a request to hold the meeting via remote access can be made and how to do this.
- 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 Trust board 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 governors 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 governors will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

### 17. Removing 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 PDC'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 an exclusion.

If an application for an independent review panel (IRP) has been made within 15 school days, the Headteacher will wait until the review has been determined, or abandoned, and until the PDC has completed any reconsideration that the IRP 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 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 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.

## 18. Independent review panel

Parents are required to submit their applications for an independent review of the governors' decision not to reinstate within:

- 15 school days of the PDC'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 review panel even if they did not make a case to, or attend, the governors' initial consideration of the exclusion.

Parents can request that independent review panels take place via remote access.

The Trust will adhere to all statutory guidelines when arranging an IRP, as outlined in the DfE's statutory guidance.

## 19. 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, the 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 LA.

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 include educational psychologists, specialist SEND teachers, SENCOs and behaviour support teachers.

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.

## 20. The role of the SEND expert

The SEND expert's role is to provide (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.

## 21. Appointing a clerk to the IRP

The Trust will appoint a clerk to the independent review panel or 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 PDC when the decision was made not to reinstate the pupil.

## 22. The duties of the independent review panel

The role of the panel is to review the governors' decision not to reinstate an 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 governing board reconsiders reinstatement
- Quash the decision and direct that the governing board reconsiders reinstatement

## 23. Conducting PDC meetings or IRPs via remote access

Parents, or excluded pupils if they are 18 or older, will be able to request that PDC meetings or IRPs are held via remote access; however, parents and pupils will be made aware that this is not the default option.

Where a parent or pupil makes a request correctly in line with instructions set out in the Headteacher's or PDCs written notification, the PDC or Trust will hold the meeting via the use of remote access.

Remote meetings and panels will be held in accordance with timelines for face-to-face meetings.

Where a request for a meeting to be held via remote access is not made, or the parent or pupil does not state a preference, the meeting or panel will be held in person unless it is not practicable to do so.

If there is a reason related to extraordinary events or unforeseen circumstances, e.g. an outbreak of an infectious illness, which means it is not reasonable for a meeting or panel to be held in person, it may be held via remote access.

Meetings will only be held via remote access if the governors or the Trust is satisfied that that the meeting can be held fairly and transparently. If this cannot be done, parents will be consulted to discuss how a face-to-face meeting can be arranged that will be convenient for them.

If there are technological or internet issues during a remote meeting which compromises the ability for participants to be seen or heard or prevents the meeting from being held fairly and transparently and it is not reasonably practicable to resolve, a face-to-face meeting will be arranged without delay.

When holding meetings or panels via remote access, the PDC or Trust will:

- Comply with relevant equalities legislation.
- Enable access to support which the parent is entitled to, including the presence of a friend.
- Confirm with all participants that they have access to the technology that will allow them to participate in the meeting or panel.
- Ensure all the participants will be able to put across their point of view and/or fulfil their function.
- Ensure the remote meeting or panel can be held fairly and transparently.

#### 24. Reconsidering reinstatement following an IRP

Where the independent review panel directs the governors 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.

The school is aware that if, following an instruction to reconsider, the PDC does not offer to reinstate the pupil, then the school will be required to make a payment of £4,000 directly to the LA area in which the school is located.

Where the independent review panel recommends that the governors 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 governing board does not offer to reinstate the pupil, it will not be subject to a financial adjustment.

If, following reconsideration, the governing board offers to reinstate the pupil, but the parents decline, no adjustment will be made to the school's budget.

Following reconsideration, the governors will notify the parents, Headteacher and LA of their reconsidered decision and the reasons for this.

#### 25. Reintegration strategy meetings following suspension or off-site direction

Where a pupil is suspended or is directed to be educated off-site, upon return to the school both the pupil and parents/carers will be invited to a reintegration strategy meeting. The purpose of the meeting is to:

- offer the pupil a fresh start
- help them understand the impact of their behaviour on themselves and others
- support them to meet the high expectations of behaviour in line with the school culture
- foster a renewed sense of belonging within the school community; and
- build engagement with learning

School staff will work with the pupil to understand what led to the behaviour and to establish if any changes can be made or further support implemented from a pastoral or practical perspective that might reduce the chance of repeat behaviours. Previous behaviour is not seen as an obstacle to future success.

The schools use various measures to support a pupil's successful reintegration which may include (please note that this is not an exhaustive list):

- Regular contact with a designated pastoral professional in-school
- use of a report card with personalised targets leading to personalised rewards
- ensuring the pupil receives academic support upon return to catch up on any lost progress
- planned pastoral interventions
- mentoring by a trusted adult or a local mentoring organisation
- regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage; and
- informing the pupil, parents and staff of potential external support.

Whilst reintegration meetings are highly encouraged by the Trust, pupils will not be prevented from being admitted to the school or being put in mainstream classes because a meeting has not taken place.

#### 26. Criminal investigations

The Headteacher will not postpone taking a decision to suspend or 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 suspend or exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the PDC 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.

## 27. Equality impact

The Trust does all it can to ensure that its policies do not discriminate against pupils or others, either directly or indirectly, in line with any Equality Act 2010 protected characteristics. This includes race, religion, disability, sexual orientation, and sex.

## 28. Monitoring arrangements

The Trust reviews data on suspensions and exclusions to ensure that the use of suspensions and exclusions across the Trust is appropriate.

The following are monitored by the Local Governing Body (LGB) in each school to ensure the processes and support for pupils are appropriate:

- the interventions put in place for pupils at risk of suspension and permanent exclusion
- the processes in place for determining and reviewing directions to alternative provision and that such placements are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- the full-time educational provision for pupils of compulsory school age from the sixth consecutive school day of a suspension, in particular checking the provision is suitable and quality-assured, including safeguarding arrangements, to ensure that:
  - any previous placements have been evaluated, including support for any applicable SEND
  - there is a process in place to monitor the pupil's attendance and behaviour at the provision
  - the correct attendance code is being used
  - the pupil's child protection file and any other information relevant to the pupil's safeguarding and welfare has been securely transferred to their new setting as early as possible
- whether there is any variation within the year on suspensions and permanent exclusions and the characteristics of pupils
- the cost implications of directing children to be educated off-site in alternative provision and whether there are any patterns to the reasons or timing of moves
- whether the school register and absence codes have been recorded correctly
- how the behaviour policy is applied and specifically its consistency
- the circumstances in which pupils receive repeat suspensions

- whether Personal Education Plans for looked after children have been reviewed on a termly basis

This Policy will be reviewed annually by the Trust Board.

## 29. Complaints

If parents have any concerns or complaints over the application or implementation of this policy or feels that they are being pressured into a managed move, they should raise their concerns with a staff member or the Headteacher in accordance with the Trust's complaints policy. If the concern relates to an exclusion, the statutory procedure set out in the exclusions statutory guidance will be followed.