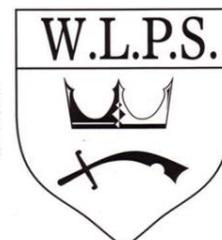


Suspension and permanent exclusion policy

Policy Details: Statutory		Version No: 001/2022/2023
Date created:	Summer 2023	
Reviewed by:	Pupil Experience committee	
Updated:		
Ratified by:	Trust Board	
Date of approval:	22 nd June 2023	
Review period:	Annual	
Next Review Date:	Autumn 2023	
Signed by: Trust/Committee Chair	<i>D. Norris,</i> Chair to RMAT Board	

www.robusmat.essex.sch.uk/our-trust/policies

This is a model policy/procedure which reflects legislation, any relevant statutory and non-statutory guidance and best practice. The responsibility for setting policy and procedure resides with the Trust Board and as such the relevant body must be satisfied that the content of the policy/procedure suits their requirements.



Contents

1. Aims.....	3
2. Legislation and statutory guidance	3
3. Definitions	3
4. Grounds for exclusion	4
5. Roles and responsibilities.....	5
6. Considering the reinstatement of a pupil	11
7. Statutory guidance to governing bodies preparing for the consideration of an exclusion .	13
8. Independent review.....	14
9. Duty to remove a permanently excluded pupil’s name from school registers.....	16
10. Returning from a suspension	17
11. Criminal investigations	18
Appendix 1: Pupil Discipline Committee Terms of Reference.....	20
Appendix 2: Independent Review Panel Training	22

Confirmation that the Suspension & permanent exclusion policy in respect of the ROBUS Multi-Academy Trust has been discussed and formally adopted by the Board of Trustees.

The policy was agreed at the Board of Trustees’ meeting held on: 17th July 2023

1. Aims

At ROBUS Multi-Academy Trust we are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

We aim to ensure that:

- the exclusions process (suspensions and permanent) is applied fairly and consistently across the trust;
- the exclusions process (suspensions and permanent) is understood by trustees, academy governors, staff, parents, and pupils;
- ensure that pupils are safe and happy;
- Ensure all suspensions and permanent exclusions are carried out lawfully;
- Amongst other disciplinary sanctions, the trust recognises that the exclusion of pupils may be necessary where there has been a serious breach, or persistent breaches, of the trust's Statement of Behaviour Principles.

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#) for those with legal responsibilities in relation to exclusion. This advice should not be read in isolation.

The principal legislation to which this guidance relates is:

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

In addition, the policy is based on:

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

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

3. Definitions

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

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

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

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

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

4. Grounds for exclusion

The trust can only exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the Behaviour Policy in each academy, have failed to be successful.

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

Under no circumstances can a pupil be ‘sent home to cool off’. This is an illegal exclusion. Any pupil sent home must be excluded legally as set out in this document.

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

- Without following the statutory procedure or formally recording the event, e.g. sending them home to ‘cool off’
- Because they have special educational needs and/or a disability (SEND) that the trust feels unable to support
- Due to poor academic performance
- Because they haven’t met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school

In all cases, the academy headteacher will decide which exclusion period a pupil will be subject to, depending on what the circumstances warrant. In most cases a range of alternative strategies will have been tried before excluding a child permanently for persistent disruption. Where a one-off incident of sufficient gravity has taken place, this may not apply.

The trust has the power to direct a pupil off-site to improve their behaviour. (Para 35 DFE Guidance)

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

“The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from

the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

5. Roles and responsibilities

5.1 The academy headteacher

Deciding whether to suspend or exclude

Only the academy headteacher, or acting academy headteacher, has the power to suspend or permanently exclude a pupil from the academy on disciplinary grounds and is able to decide whether this for a fixed-period (suspension) or on a permanent basis.

The academy headteacher is able to exclude pupils from the premises where their behaviour is disruptive during lunchtime. All lunchtime exclusions will be counted as half of a school day.

The academy headteacher is able to consider a pupil’s disruptive behaviour outside of the school premises as grounds for exclusion, in accordance with the trust’s Statement of Behaviour Principles.

The academy headteacher will only use permanent exclusion as a last resort. Any decision made to exclude a pupil must be lawful, reasonable, fair, and proportionate with respect to legislation relating directly to exclusions and the trust’s wider legal duties, including the ECHR.

All exclusions will be formally recorded.

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

- In response to serious or persistent breaches of the trust’s Statement of Behaviour Principles **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

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

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- 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
- Consider whether the pupil has special educational needs (SEN)
- Take into consideration whether the pupil has received multiple exclusions or is approaching the legal limit of 45 excluded days per school year, and whether exclusion is serving as an effective sanction
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC)), and what extra support may be available for vulnerable

groups whose exclusion rates are higher, to reduce their risk of exclusion, including the following:

- LAC
 - Pupils eligible for FSM
 - Pupils with SEND
 - Pupils with an EHCP
 - Certain ethnic groups
- The academy headteacher will consider avoiding permanently excluding LAC pupils, those with SEMH issues or 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 academy 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
 - Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the SEND Policy in the academy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite the graduated response process, then exclusion may be considered
 - In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be excluded before the graduated response process has been completed
 - Where a pupil with SEND or SEMH issues is permanently excluded because of a SEND or SEMH-related need that could not be met by the trust, detailed records will be kept highlighting that these pupils are closely tracked and showing that the trust has a close relationship with the pupil's next destination
 - Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour
 - The academy headteacher will work in conjunction with the parents/carers of any pupil with additional needs to establish the most effective support mechanisms
 - Consider whether all alternative solutions have been explored, such as off-site direction or managed moves

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

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

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

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

At all times, the academy 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, i.e., race, sex, disability, and will not increase the severity of a pupil's exclusion on these grounds.

It is unlawful to exclude for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the trust feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a pupil's parents/carers; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. However, a pupil who repeatedly disobeys their teachers' academic instructions could be subject to exclusion.

Informing parents/carers

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

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

The parents will also be provided with the following information in writing, without delay, and no later than 24 hours after the decision has been made:

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

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

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

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

- The start date for any provision of full-time education that has been arranged for the child during the exclusion;
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant

- The address at which the provision will take place
- Any information the pupil needs in order to identify the person they should report to on the first day

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

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

When notifying parents about an exclusion, the academy headteacher should draw attention to relevant sources of free and impartial information. This information should include:

- a link to this statutory guidance on exclusions (<https://www.gov.uk/government/publications/school-exclusion>);
- a link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com), or ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
- where considered relevant by the academy headteacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The academy headteacher should ensure that information provided to parents/carers is clear and easily understood. Where the parents/carers' first language is not English, consideration should be given, where practical, to translating the letter or taking additional steps to ensure that the details of the exclusion and their right to make representations to the academy governing board have been understood.

Informing the governing board

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

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

The academy headteacher may withdraw any exclusion that has not already been reviewed by the academy governing board.

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

Informing the local authority (LA)

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

The notification will include:

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

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

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

If a:

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

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

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

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

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

Cancelling suspensions and permanent exclusions

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

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

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

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

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

5.2 The governing board

Considering suspensions and permanent exclusions

Responsibilities regarding exclusions are delegated to the Pupil Discipline committee.

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

Within 14 days of receiving a request, the governing board will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.

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

Monitoring and analysing suspensions and exclusions data

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

The governing board will consider:

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

5.3 The local authority (LA)

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

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

6. Considering the reinstatement of a pupil

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

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

In the case of a fixed-period exclusion where the pupil's total number of excluded days is more than 5 but less than 15 school days within a term and the parents make representations to the board, the governing board will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the academy headteacher to reinstate the pupil.

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

Where a fixed-period or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the governing board will, as far as reasonably practicable,

consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the Pupil Discipline committee may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The governing board will also consider whether it would be appropriate to allow the excluded pupil to enter the premises to take the examination.

Time scales and decisions to be made by Academy Governing Bodies

No of days exclusion in term	5 or fewer	5½ to 15	More than 15 in one term	Pupil will miss public exam	Permanent exclusions.
Parents have the right to make written representations	Yes	Yes	Yes	Yes	Yes
Parents have the right to meet with governors	No. Governing Board must consider representation in 50 days but has no power to reinstate	Yes, if parents request	Yes. Governors must meet	Yes. Governors must meet	Yes. Governors must meet
Timescale for meeting	None	50 school days	15 school days	15 school days where possible before the exam	15 school days
Reinstatement possible	No	Yes	Yes	Yes	Yes

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

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

7. Statutory guidance to the governing board in preparing for the consideration of an exclusion

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

The governing board will:

- Only discuss the exclusion with the parties present at the meeting
- Consider any representations made by or on behalf of the of:
 - Parents/carers or the pupil
 - The academy headteacher
 - The pupil's social worker (if they have one)
 - If the pupil is looked after, the VSH
 - And the local authority
 - Ask for any written evidence prior to the meeting
 - Circulate any written evidence and information to all parties at least 5 school days in advance of the meeting
 - Allow pupils and parents/carers 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 all 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 exclusion

The governing board can either:

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

In reaching a decision, the governing board will consider:

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

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

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

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

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

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

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

8. Independent review

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

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

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

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- Current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This notification will include:

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

9. Duty to remove a permanently excluded pupil's name from school registers

The academy headteacher must remove a pupil's name from the school admission register if:

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

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

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

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site), code D (dual registration) or code E (absent and not attending alternative provision) will be used on the attendance register.

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

Making a return to the LA

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

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

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

10. Returning from a suspension

10.1 Reintegration strategy

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

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

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

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Daily contact in school with a designated pastoral professional

- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents, and staff of potential external support

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

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

10.2 Reintegration meetings

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

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

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

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

11. Criminal investigations

The academy headteacher need not postpone taking a decision to exclude a pupil solely because a police investigation is underway, and/or any criminal proceedings may be brought (para 258 DfE guidance). The academy headteacher will give particular consideration when deciding whether to exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the governing board is required to consider the academy headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

The academy headteacher will also take into consideration **Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including Pupil Movement 2022**: a non-statutory guide for headteachers.

12. Monitoring arrangements

The trust will collect data on the following:

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

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

This policy will be reviewed and approved by the Board of Trustees every year.

13. Links with other policies

This exclusions policy is linked to our:

- Behaviour policy
- Anti-Bullying policy
- Special Educational Needs and Disabilities (SEND) policy
- Social, Emotional and Mental Health (SEMH) policy
- Child Protection and Safeguarding policy
- Any other relevant trust policy

Appendix 1

Pupil Discipline Committee

Terms of reference

The overall purpose of the Committee is to carry out the Trust Board's legal responsibilities in relation to reviewing the exclusion from school of individual pupils as required by statutory legislation and in accordance with DfE and LA advice

ROBUS MULTI- ACADEMY TRUST EXCLUSIONS PANEL

Purpose: to review the academy headteacher's exclusion decision.

The exclusions panel will consider:

- *Parents' representations about a suspension or permanent exclusion*
- *Reinstatement of a suspended or permanently excluded pupil*

Reviews will involve:

- considering the case presented by the Academy Headteacher
- considering the views of parents/carers of the excluded pupil
- considering the views of the LA (including, but not restricted to, such agencies as the Educational Psychology Service, the SEN Service, or the Education Welfare Service)
- having regard to DfE and LA guidance and the policy of the Academy Governing Board
- deciding whether to uphold the exclusion, or not (where the pupil is still excluded)
- ensuring that a note of the Committee's views on the exclusion is placed on the pupil's record with a copy of the Academy Headteacher's exclusion letter, where appropriate; and
- ensuring that the parents/carers, Headteacher and LA are informed of the Committee's decision in writing within the required timescale.

Appeals to the Independent Review Panel (IRP) (set up by the LA) made by parents against decisions of the committee to uphold a permanent exclusion

- to prepare the statement of the Academy Governing Board for such an appeal and to liaise with the Clerk to the Appeals Panel with regard to other information required
- to represent the Academy Governing Board at the hearing of the case by the Appeals Panel

Membership: The committee shall consist of three (3) eligible governors who have not been involved at any previous stage of the process. Anyone involved in the investigatory stage may not be involved in making decisions at any subsequent hearing.

Every trustee/governor (other than the Headteacher and staff governor(s)) is eligible for membership although there will not be more than one parent governor on the committee. The Committee may have an advisor at all meetings. The advisor is not eligible to vote.

The Committee Chair will be appointed for each committee meeting. The Committee will be clerked by the Trust's Governance Manager. In the event that the Governance Manager is unavailable, the committee clerk cannot be an academy trustee, an Associate Member, the Headteacher or a member of staff.

Quorum: The quorum shall be three (3) governors

ROBUS MULTI- ACADEMY TRUST EXCLUSIONS PANEL

Meetings: the panel will meet on an 'as required' basis within the statutory timeframe(s):

- Within 15 school days of receiving notice of the suspension or permanent exclusion
 - This is in the case of:
 - A permanent exclusion
 - A suspension that alone, or in conjunction with previous suspensions, will take the pupil's total number of days out of school to above 15 for a term
 - A suspension/permanent exclusion that will result in the pupil missing a public examination or national curriculum test. The governing board must take reasonable steps to meet before the date of the examination
- Within 50 school days of receiving notice of the suspension or permanent exclusion
 - This is where the suspension(s) will take the pupil's total number of days out of school to above 5 but less than 16 for the term, and the pupils' parents have requested a governing board meeting

Minutes of the panel's meetings will be made available to all parties on request, and the record of discussion will state clearly how the decisions have been reached.

Monitoring: The panel will be responsible for:

- Considering the interests and circumstances of the suspended or permanently excluded pupil, and other pupils, staff, and school community
- Making sure the following are invited to a meeting of the governing board and allowed to make representations or share information:
 - Parents (and, where requested, a representative or friend)
 - The pupil (if they're over 18 years old)
 - The academy headteacher
 - The pupil's social worker, if they have one
 - The virtual school head (VSH) if the pupil is looked after
 - A representative of the local authority (LA)
- Making sure the pupil or their parents are aware of their right to attend and participate in the academy governing board meeting, enabling the pupil to make a representation on their own behalf if they wish to do so
- Applying the civil standard of proof (i.e. 'on the balance of probabilities') rather than the criminal standard ('beyond reasonable doubt') when establishing the facts of the suspension or permanent exclusion
- Deciding whether to:
 - Decline to reinstate the pupil, or
 - Direct reinstatement of the pupil immediately or on a particular date

Approved by the Board of Trustees:

Next review date: Autumn 2024

Appendix 2: independent review panel training

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

Training must have covered:

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