



Three
Spires
TRUST

'Life in all its fullness'

Suspension and Exclusion Policy

Policy owner	Chief Executive Officer
Date adopted	February 2022
Date updated	7 September 2022
Review date	Summer 2024

Contents:

Statement of intent

1. Legal framework
2. Roles and responsibilities
3. Grounds for suspension or exclusion
4. The principal's power to suspend and exclude
5. Factors to consider when suspending or excluding a child
6. Preventative measures
7. Duty to inform parents
8. Duty to inform the governing board and LA
9. Duty to inform social workers and the virtual school head (VSH)
10. Arranging education for suspended and excluded children
11. Considering suspensions and exclusions
12. Reaching a decision
13. Notification of considered suspensions and exclusions
14. Removing excluded children from the school register
15. Independent review panel
16. Appointing a SEND expert
17. The role of a SEND expert
18. Appointing a clerk
19. The role of the clerk
20. The duties of the independent review panel
21. Reconsidering reinstatement following a review
22. Criminal investigations
23. Training requirements
24. Using data
25. Monitoring and review

Appendix

- A. Flowchart for reviewing the principal's suspension or exclusion decision
- B. Exclusions proforma

Statement of intent

At Three Spires Trust (hereafter 'The Trust') we understand that good behaviour and discipline is essential for promoting a high-quality education, for all children and young people (regardless of age) who attend our academies.

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

The Trust has created this policy to clearly define the legal responsibilities of the principal, Trust board, local governing body (LGB) and the Local Authority (LA) when responding to suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a child's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

A “**suspension**” is defined as the temporary removal of a child from the school for behaviour management purposes. A child may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.

An “**exclusion**” is defined as the permanent removal of a child from the school, in response to a serious breach or persistent breaches of the school's Behaviour Policy, and where allowing the child to remain in school would seriously harm the education or welfare of the children or staff in the school.

1. Legal framework

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

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

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

- DfE (2022) 'Suspension and Permanent Exclusion from maintained schools, academies and child referral units in England, including child movement'
- DfE (2022) 'Behaviour in Schools'
- DfE (2022) 'Keeping Children Safe in Education'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'
- Church of England Archbishops' Council Education Division and The National Society Valuing All God's Children (Archbishop's Council Education Division, May 2014).

This policy operates in conjunction with the following Trust and academy policies:

- Behaviour Policy
- Anti-bullying Policy
- Child Code of Conduct
- Special Educational Needs and Disabilities (SEND) Policy
- Social, Emotional and Mental Health (SEMH) Policy
- Child Protection and Safeguarding Policy
- Alternative Provision Policy

2. Roles and responsibilities

The LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- Arranging suitable full-time education for any child of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing children's needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.
- Arranging the hearing without delay at a time, date and venue convenient for all parties.
- Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories.

- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

The Trust is responsible for:

- Arranging for an independent review panel hearing to review the decision of the governing board not to reinstate a permanently excluded child where required.

The LGB is responsible for:

- Providing information to the Trust Board, the Secretary of State and LA about any suspensions and exclusions within the last 12 months.
- Arranging suitable full-time education for any child of compulsory school age who is suspended.
- 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 child missing a public examination or test, considering the suspension or exclusion before this date.
- Considering whether it would be appropriate for a child to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of children.
- Considering the interests and circumstances of the suspended or excluded child, 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 child's education record, along with copies of relevant papers for future reference.
- Notifying the child's parents, the principal 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 child's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a child where directed to do so by the suspensions and exclusions review panel.
- Using data to evaluate the school's practices regarding intervention, suspension and exclusion.

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

- 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.

The principal is responsible for:

- Implementing good levels of discipline to ensure all children 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 children 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 child has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a child who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g. if a child 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 children, particularly those with SEND, those eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of children with additional needs.
- Determining whether a child will be suspended or excluded on disciplinary grounds.
- Cancelling 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 child.
- Ensuring they have considered their legal duty of care when sending a child 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 child's parents without delay where the decision is taken to suspend or exclude the child, including the days on which the parents must ensure the child 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 child where appropriate, as well as the child's home authority if required.
- Notifying the LGB once per term of any exclusions in the principal's report to governors – this will include the number of suspensions issued, the number of children suspended, the number of permanent exclusions issued, the reasons for all suspensions and exclusions and the number of children with repeat suspensions as a minimum as well as detail about the cancelling of any exclusions and the reasons for the decision.
- Organising suitable work for excluded children where alternative provision cannot be arranged.

3. Grounds for suspension or exclusion

The school will only suspend or exclude a child 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 child:

- Physical assault against a child
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a child
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by the academy's behaviour policy
- Bullying
- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse
- Abuse relating to disability

This list is non-exhaustive and is intended to offer examples rather than be complete or definitive.

Children can be suspended on a fixed-period basis, i.e. for up to 45 school days within a year, or permanently excluded. Similarly, children can be permanently excluded following a suspension, where further evidence is presented. In all cases, the principal will decide whether a child will be subject to a suspension or an exclusion, depending on what the circumstances warrant.

All academies within the Trust have the power to direct a child off-site to improve their behaviour.

4. The principal's power to suspend and exclude

Only the principal has the power to suspend or exclude a child 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 principal is defined as the

individual named on Get Information About Schools (GIAS) on the date of the decision to suspend or exclude the child.

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

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

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

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

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

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

All suspensions and exclusions will be formally recorded on Arbor and on MyConcern. The 'exclusions proforma' will be completed as part of the evidence base and will be retained as part of the child's safeguarding record in MyConcern.

5. Factors to consider when suspending or excluding a child

When considering the suspension or exclusion of a child, the principal will:

- Allow the child the opportunity to present their case once evidence has been collected.

- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the child's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the child 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 the Academy's SENCo and/or external agencies, to assess children who demonstrate consistently poor behaviour.

The principal will consider what extra support may be available for vulnerable child groups whose suspension and exclusion rates are higher, to reduce their risk of suspension or exclusion, including the following:

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

The principal will consider avoiding excluding LAC, those with SEMH issues or children with an EHC plan. Where any member of staff has concerns about vulnerable child groups and their behaviour, they will report this to the principal, 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. The full assessment procedures are outlined in the school's Social, Emotional and Mental Health (SEMH) Policy.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the academy's Behaviour Policy. If the child continues to endanger the physical or emotional wellbeing of other children or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered.

Where a child 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 children are closely tracked and showing that the school has a close relationship with the child's next destination.

The principal will work in conjunction with the parents or carers of any child with additional needs to establish the most effective support mechanisms.

Where there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a child, it is likely that there will be complex and difficult decisions that need to be made. It is important that these decisions are made alongside the academy's duty to safeguard and support the child and the rest of the academy's population and the duty to provide an education.

Academies have a statutory responsibility to cooperate with safeguarding partners once designated as relevant agencies. The principal is to make decisions on a case-by-case basis, with the DSL (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, including the police as required.

Section 5 of KCSIE and Section 8 of the Trust's Child Protection and Safeguarding Policy sets out the safeguarding process for cases of reports that relate to rape or assault by penetration and those that lead to a conviction or caution. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, academies should follow general safeguarding principles as found in KCSIE.

Principals may choose to request a review of their decision about any suspension or permanent exclusion with our solicitors. Such reviews can be arranged by contacting the Executive Assistant in the Central Team.

6. Preventative measures

The use of high quality Alternative Provision can be important and their staff can be important co-experts in managing behaviour and providing alternative to exclusion. Principals should seek the advice of their expert DSLs and SENCOs in considering the use of outreach support for children and offering short-term places to children who need a time-limited intervention away from their own academy in order to improve behaviour. The principal can request a strategy meeting with the Director of Safeguarding and SEND in order to explore options available and preventative strategies.

Before taking a final decision to exclude, the principal 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 (who delegate this responsibility to the relevant LGB) may use their general powers to arrange for any registered child to attend at any place outside the school premises for the purpose of receiving educational provision intended to improve their behaviour.

The LGB and the principal will decide, in communication with the child and their parents or carers, whether off-site direction is an appropriate solution to manage a child's behaviour and avoid suspension or exclusion. Where all parties agree to this course of action, the academy will work with the child and their parents to discuss and agree a plan for the off-site direction, including a proposed maximum period of time that the child 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. In the event that there is a decision to direct a child off-site, the academy will consult with the Alternative Provision Policy and Procedures.

The LGB will notify parents and carers, and the LA if the child has an EHC plan, in writing with information about the placement no later than two school days before the commencement of the placement.

The academy will keep any off-site placements under review by holding review meetings in accordance with the Alternative Provision Policy and Procedures. Reviews will be recorded in writing, including any decisions made regarding the placement.

Managed moves

Where it is thought to be in a child's best interest to transfer them to another mainstream setting permanently, the principal and governing board will discuss this with the parents or carers (and social worker and virtual school, as appropriate) of the child, and the LA if the child has an EHC plan – managed moves will only go ahead with the voluntary agreement of all parties involved, including the parents and the admission authority of the new educational setting.

The academy 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 academy will participate in information sharing with the child's new educational setting, including sending data on prior and current attainment, academic potential and any risk management strategies. The academy will also cooperate with the child's new educational setting to create an effective integration strategy.

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

Social workers and virtual schools who have concerns that a managed move is being forced on a child or family who are unhappy with a managed move will be referred to the relevant local authority Escalation Policy and Procedure.

The academy will keep any managed moves under review by holding review meetings in accordance with the Alternative Provision Policy and Procedures. Reviews will be recorded in writing, including any decisions made regarding the placement.

7. Duty to inform parents and carers

Following the principal's decision to suspend or exclude a child, they will immediately inform the parents or carers, 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 principal 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:

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

Where the child is of compulsory school age, the principal will inform the parents or carers 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 and carers are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents or carers may receive a penalty fine if they fail to do so.

Where the principal 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 child to identify the person they should report to on the starting date

Where the principal 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 child beginning the provision. If the alternative provision is due to begin before the sixth day of the suspension or exclusion, the principal is able to give less than 48 hours of notice, with parental consent.

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

8. Duty to inform the LGB and LA

The principal will inform the LGB, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the child)
- Any suspensions which would result in the child 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 child being absent from an examination or national curriculum test

For any suspensions and exclusions, other than those above, the principal will notify the LGB once per term.

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

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

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

9. Duty to inform social workers and the virtual school head (VSH)

When a child has been suspended or excluded, the principal will, without delay, notify the child'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 LGB is taking place, and will be invited to attend the meeting should they wish to do so – their availability should be considered in the coordination of the meeting date and time.

Where it becomes apparent that a LAC is likely to be subject to a suspension or a permanent exclusion, the designated teacher should contact the local authority's VSH as soon as possible. The designated teacher, working with the VSH should consider what additional assessment and support need to be put in place to help the academy address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. The academy should also liaise with the child's social worker, foster carers, or children's home workers. Any updates should be recorded on the next Personal Education Plan (PEP) review, as should any concerns about the child's behaviour.

Where PLAC face the risk of being suspended or permanently excluded, the academy should engage with the child's parents and the designated teacher. The academy may also seek the advice of the VSH on strategies to support the child. The academy should consider completing an early help as well at this stage, if appropriate.

10. Arranging education for suspended and excluded children

For any suspensions of more than five school days, the LGB will ensure suitable full-time education for the child, which will begin no later than the sixth day of suspension. Where a child 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 child from the sixth day of exclusion. Principals will not issue concurrent suspensions.

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

The LGB is aware that it is beneficial to suspended and excluded children to begin their alternative education arrangements before the sixth day of suspension or exclusion; therefore, the LGB 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 academy will ensure that they take reasonable steps to set and mark work for the child.

If a child with SEND has been suspended or excluded, the LGB will ensure that:

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

11. Considering suspensions and exclusions

The LGB panel will consider any representations made by parents, carers, social workers and virtual schools regarding suspensions and exclusions.

Parents and carers and, where requested, a friend or representative, the principal, 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 child will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

Where it is appropriate to the child's age and level of understanding, the child 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 LGB panel will consider the reinstatement of a suspended or excluded child, where:

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

In the case of a suspension where the child's total number of suspended days is more than 5 but fewer than 16 school days within a term, if parents or carers make representations, the LGB will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents and carers, the governing board will consider the reinstatement on their own within the same timeframe.

Where a suspension will take a child's total number of school days out of school above five but less than 15 for the term, and parents have not requested a governing board meeting, the governing board will not be required to consider the child's reinstatement but it will have the power to do so if it deems it appropriate. The LGB is to be notified about this opportunity at each appropriate point.

Where a suspension will not bring a child's total number of days of suspension or permanent exclusion to more than five days in a term, the governing board will consider all representations made by parents. There will be no deadline for this meeting to be arranged; however, it will be arranged within a reasonable amount of time. The LGB does not, in this instance, have the power to reinstate the child.

Where suspension or exclusion would result in a child missing a public examination, the LGB will consider the suspension or exclusion before the test to decide whether the child 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 child.

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

When considering the reinstatement of a child, the governing board will:

- Only discuss the suspension or exclusion with the parties present at the meeting.
- Ask for any written evidence from the principal and from parents or carers prior to the meeting.

- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow children 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 child 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 child, including the grounds for suspension or exclusion.

12. Reaching a decision

After considering suspensions and exclusions, the LGB panel will either:

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

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

The LGB panel 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 LGB panel 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 child was lawful, proportionate and fair, taking into account the principal'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 child'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 child.

13. Notification of considered suspensions and exclusions

The LGB will notify the parents or carers of the suspended or excluded child, the principal, and the LA of their decision following the consideration of a suspension or exclusion, in writing

and without delay. In the event that there is a social worker involved, or the child is LAC, then the social worker and / or virtual school will also be notified as appropriate.

In the case of exclusion, where the LGB panel decides not to reinstate the child, they will notify the parents or carers:

- 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 any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a child's SEND is considered relevant to the exclusion.
- That, regardless of whether a child has been identified as having SEND, the parents have a right to require the governing 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 or carers 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 LGB will also notify parents and carers 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 LGB will notify the parents, carers, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

14. Removing excluded children from the school register

The principal will remove children from the school register if:

- 15 school days have passed since the parents or carers were notified of the LGB's decision not to reinstate the child and no application for an independent panel review has been received.
- The parents or carers have stated in writing that they will not be applying for an independent panel review following an exclusion.

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

If a child's name is to be removed from the register, the principal will make a return to the LA, which will include:

- All the particulars which were entered in the register.

- The address of any parent or carer with whom the child normally resides.
- The grounds upon which the child'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 child's name was removed.

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

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

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

Where children leave the school as a result of a permanent exclusion, the DSL should ensure that their child protection file is transferred to the new educational setting as soon as possible, and certainly within 5 days for an in-year transfer or within the first 5 days of the start of a new term. This should be transferred separately from the main file, ensuring secure transit, and confirmation of receipt should be obtained.

15. Independent review panel

The LA will review the LGB's decision not to reinstate an excluded child if the parents or carers submit their application for this within the required time frame.

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

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

Parents and carers are required to submit their applications within:

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

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

The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance.

16. Appointing a SEND expert

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

The LA 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 LA, school, parents or child, 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 academies in relation to SEND. Examples of suitable individuals include educational psychologists, specialist SEND teachers, SENCOs and behaviour support teachers.

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

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the LA, they will not have had any previous involvement in the assessment or support of SEND for the excluded child, or siblings of the excluded child. The LA 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 LA to make, but it will take reasonable steps to ensure that parents and carers have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents or carers a choice of SEND expert. In order to meet its duties within the statutory time frame, the LA will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.

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

17. The role of the SEND expert

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

The focus of the SEND expert's advice will be on whether the Trust and academy policies which relate to SEND, or the application of these policies in relation to the excluded child, 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 child's exclusion.

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

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

18. Appointing a clerk

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

Where a clerk is appointed, the LA will ensure that the clerk did not serve as clerk to the LGB when the decision was made not to reinstate the child.

19. The role of the clerk

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

The clerk will:

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

20. The duties of the independent review panel

The role of the panel is to review the LGB's decision not to reinstate an excluded child. In reviewing the decision, the panel will consider the interests and circumstances of the excluded child, including the circumstances in which the child was excluded, and have regard to the interests of other children 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

The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the child, parents or carers, LGB, principal and LA.

21. Reconsidering reinstatement following a review

Where the independent review panel instructs the governing board to reconsider their decision not to reinstate a child, they will do so within 10 school days of being given notice of the review panel's decision.

The Trust is aware that if, following an instruction to reconsider, the LGB of the academy does not offer to reinstate the child, then the academy 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 LGB should reconsider their decision not to reinstate a child, 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 LGB does not offer to reinstate the child, it will not be subject to a financial adjustment. If, following reconsideration, the LGB offers to reinstate the child but the parents or carers decline, no adjustment will be made to the academy's budget.

Following reconsideration, the LGB will notify the parents, carers, principal and LA of their reconsidered decision and the reasons for this.

22. Criminal investigations

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

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

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

The principal and the LGB will each understand that the police measure their decisions differently to educational settings. In the event that the police do not prosecute, this does not

necessarily mean that an incident did not occur. It is important that the DSL (or their deputy) is in regular contact with the police in any such instance.

23. Training requirements

The Trust will ensure that all LGB sub-committee panel members have received training within the two years prior to the date of the review meeting. Training will cover:

- The requirements of the legislation, regulations and statutory guidance governing suspensions and exclusions.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The duties of principals and the subcommittee under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act.

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

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

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

24. Using data

The principal will ensure that all data regarding suspensions and exclusions is collected and provided to the LGB on a termly basis. The LGB will review this data regularly in order to:

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

- Analysing whether the placements of children directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives.

The Director of Safeguarding and SEND will ensure that all data regarding suspensions and exclusions across the Trust is collected and provided to the board of Trustees on a termly basis. The board of Trustees will review this data regularly in order to:

- Determine whether there are any patterns of suspensions and exclusions across the Trust.
- Gather information on children who are taken off the roll and those who are on the roll but attending education off-site across the Trust.
- Understand the characteristics of suspended and excluded children and evaluate equality considerations across the Trust.

25. Monitoring and review

This policy will be reviewed biannually by the Director of Safeguarding and SEND in conjunction with the board of Trustees. The next scheduled review date for this policy is September 2024.

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

All members of LGBs will be required to familiarise themselves with this policy.

Flowchart for reviewing the principal's suspension or exclusion decision

Conditions of exclusion

Governing board duties

Does the exclusion meet any of the following conditions?

- It is a permanent exclusion
- It is a suspension that alone, or in conjunction with previous suspensions, will take the pupil's total number of days out of school above 15 for a term
- It is a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test*

Yes

The governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension or permanent exclusion.⁴⁹

*If the pupil will miss a public exam or national curriculum test, the governing board must take reasonable steps to meet **before** the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.⁵⁰

No

Will the suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?

No

The governing board must consider any representations made by parents and has the power to consider the reinstatement of the pupil.

Yes

Have the pupil's parents requested a governing board meeting?

Yes

The governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

No

The governing board is not required to consider the suspension but does have the power to consider the reinstatement of the pupil.

SUSPENSION PROCEDURE

Please refer to the TST Exclusions Policy when completing this form

Name of student	Year group	Date

This is an internal-facing procedure and is not intended to be shared beyond the Senior Leadership and Inclusion teams.

In law, “only the head teacher of a school can exclude a pupil and this must be on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A suspension does not have to be for a continuous period”. Likewise, it is important to remember that the law does not allow for extending a suspension or ‘converting’ a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of a suspension”.

This procedure has been drawn up in order to ensure that exclusions are applied with the principles of administrative law, ie that it is lawful (with respect to legislation relating directly to exclusions as well as the European Convention on Human Rights and the Equality Act 2010), rational, reasonable, fair and proportionate.

We must remember that we need to comply with administrative law when deciding whether to exclude a pupil. We must also ensure that our policies and practices do not discriminate against students by unfairly increasing their risk of exclusion. Provisions within the Equality Act 2010 allow schools to take positive action to deal with particular disadvantages, needs, or low participation affecting one group, where this can be shown to be a proportionate way of dealing with such issues.

Exclusions can, in law only be issued by the Principal as named on GIAS.

When issuing a suspension or a permanent, there must always be discussion with the DSL (or one other their deputies) to ensure that there are no factors that need to be considered.

There must always be moderation of any decision about a suspension or permanent exclusion – where a child has SEND, the SENCo or the Strategic Lead for SEND, should be the moderator. The moderator must discuss the decision to issue a suspension and the duration of the suspension and whether there are any further alternatives to the sanction that could be considered.

When considering a suspension, it is important that the frequency, reason and duration of any previous exclusions and any time in removal is also considered. It is important to remember that any exclusion should be a last resort.

Ideally, the return to school meeting is led by the Head of Year or another member of the Inclusion team – the second member of staff can be any member of the team (it may, on occasion, be the Principal).

Summary:

Step 1	Incident
Step 2	Isolation of Student/s
Step 3	Collation of Evidence
Step 4	Review of student's file - Refer to Section 5 of the Exclusion Policy
Step 5	Safeguarding Check With DSL
Step 6	Reasonable Adjustments
Step 7	Review of Evidence & Decision - Refer to Section 4 of the Exclusion Policy
Step 8	Reasons for Exclusion/Suspension
Step 9	Actions by Key Staff
Step 10	Communication - Refer to Section 7 of the Exclusion Policy
Step 11	SENDCO Notified for SEN Register Consideration

1. Incident

Nature of Incident

2. Isolation of Student/s

Have Students Been Isolated?	Where?	Any Further Actions Needed?
YES NO		

3. Collation of Evidence

Evidence gathered		Comments
Student statements	YES NO	
Staff statements	YES NO	
CCTV footage	YES NO	
Any damaged property observed	YES NO	
Other (specify)	YES NO	

4. Review of student's file - Refer to Section 5 of TST Exclusion Policy

Isolation history		FTE history		PSP in place?	Removal history
Number of lessons	Most recent date	Frequency	Total days	Yes / No?	Any history?

LAC Student?		EHC Plan		Any other concerns of vulnerability? (See TST Policy)
YES	NO	YES	NO	

5. Safeguarding Check With DSL

Has the DSL or Deputy been consulted?	DSL or Deputy Safeguarding Comments
YES	NO

6. Reasonable Adjustments

Consideration of reasonable adjustments		
Reason	Detail	
Child protection plan?		DO NOT EXCLUDE UNLESS UNAVOIDABLE – ensure DSL is involved
Looked after child?		DO NOT EXCLUDE UNLESS UNAVOIDABLE – ensure DTLAC is involved
Any wider child protection concerns?		
Any mental health concerns?		
Any sensory needs?		
Any other special educational needs?		
Have other sanctions been considered?		

7. Review of Evidence & Decision - Refer to Section 4 of TST Exclusion Policy

Decision*	Moderated	Length of Exclusion/Suspension
Decision to exclude/suspend	YES NO	
Rationale for Decision		
Decision Maker (Principal) Signature	Moderator Signature (SENCo or Strategic SEND lead if child has SEND) AND comments	

*The Principal 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.

8. Reasons for Exclusion/Suspension

Reasons for the Exclusion/Suspension - give full details on the letter	Additional Detail
Physical assault – pupil	
Physical assault – adult	
Verbal / threatening behaviour – pupil	
Verbal / threatening behaviour – adult	
Bullying	
Racist abuse	
Sexual misconduct	
Drug and alcohol related	
Damage	
Theft	
Persistent disruptive behaviour	
Public health	

9. Actions by Key Staff

ACTIONS – accountability trail	Action by?	Completed
Contact made with home		
Discussion with parent(s) – recorded on Provision Map?		
Head of Year informed		
Staff Informed		
Where exclusion is for more than 0.5 days, work collated		
Letter completed		
Letter sent to parent(s)		
Update with LA		
Exclusion logged on Class Charts		
Attendance Officer notified		
File scanned – including this form – original copy of this form filed in student file and uploaded to MyConcern		
Does the Chair of Governors/Trust need to be informed?		
If this is a sexual or racial incident? If so, log it on MyConcern?		
Key Personnel Informed by Email (HOY/SLT, Principal PA, Trust, DSL, Reception Staff)		

10. Communication - Refer to Section 6 of TST Exclusion Policy

Parents informed by Telephone		Letter Posted		Letter Sent by Email	
YES	NO	YES	NO	YES	NO

11. SENDCO Notified for SEN Register Consideration

YES	NO
-----	----

Reintegration meeting outcomes

STUDENT	FORM	DATE
Family members & other adults present: <i>(include name and relationship to the child)</i>	Other professionals present: <i>(include name and job title)</i>	
Key points discussed:		
Early Help Offered? YES NO		
Home School Agreement Signed? YES NO		

Agreed actions by school *(include timescales)*

HOY to feedback behaviour to parents after two weeks and record on provision map

Agreed actions by student *(include timescales)*

Agreed actions by parent *(include timescales)*

Reintegration Actions Recorded?	Staff Name
YES NO	