

SACRED HEART HIGH SCHOOL



EXCLUSIONS POLICY

SEPTEMBER 2023

To be reviewed September 2024

*This Policy should be read in conjunction with
all other Sacred Heart High School Policies*

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1 INTRODUCTION

Our ethos is underpinned by the charism of the Society of the Sacred Heart which informs our whole school vision and mission. As Sacred Heart Educators, we aim to share God's love with our students and to inspire them to take this out into the world.

Today we are a community of faith and learning, based on the Gospel of Jesus Christ, His values and teachings. We seek to constantly improve everything we do so that we can make a difference for the young women who will shape the society of the future.

Above all else, this community works together to bring one another to an awareness of the fullness and meaning of their life, rooted in the love of God. It is

- a place which has the human person at the centre - mind, heart, body and soul;
- where every member of the community is recognised, acknowledged and rewarded for their contributions;
- a place which inspires and challenges everyone to be the best they can be;
- a nurturing environment for all - students and staff - rooted in love where morale is positive; people are joyful and have the courage to be honest, to meet challenges, to take risks and make mistakes;

The school has a duty of care to ensure all students are nurtured and cared for and acknowledges that all students have a right to receive an excellent education which provides a rich menu of experiences and learning within and beyond the classroom, leading to high levels of success academically and personally and increasing their life chances as adults.

We recognise that students come to us with a range of experiences, some of which will impact on their mental health and well-being, their behaviour and self-esteem. We are committed to ensuring that all students have the support they need in order to be successful both academically and personally.

The school is committed to working with those students who have difficulty managing their behaviour to ensure they 'enjoy their years at the school and leave with a sense of their own giftedness and achievement, equipped to face the future.' (School Mission Statement)

This Policy should be read in conjunction with the relevant statutory guidance and the School's Behaviour for Learning & Living in a Sacred Heart Community ('Behaviour Policy') which outlines the types of behaviour which could lead to fixed term exclusion ('Suspension') or permanent exclusion.

2 LEGAL CONTEXT FOR EXCLUSIONS

2.1 Statutory Guidance

This policy endeavours to ensure that our exclusion procedures conform with statutory guidance issued by the Department for Education (DfE) in September 2023.¹

It should also be read in conjunction with our Behaviour Policy, Drugs Policy and Anti-Bullying Policy.

Good discipline in schools is essential to ensure that all students can benefit from the opportunities provided by education. The Government supports headteachers in using suspensions and permanent exclusions as a sanction where it is warranted. However,

¹ Department for Education – *Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement*. Available online at <https://www.gov.uk/government/publications/school-exclusion>

permanent exclusion should only be used as a last resort and a decision to exclude a student permanently will only be taken:

- in response to serious or persistent breaches of the school's Behaviour Policy; and
- where allowing the students to remain in school would seriously harm the education or welfare of the students or others in the school

2.2 Preventative measures to school exclusion

Prior to any decision to suspend or permanently exclude a student, the headteacher should review the extent and nature of intervention strategies already employed to support the student.

Stuart Centre

The Stuart Centre is located within Sacred Heart and provides intervention programmes for students away from main stream classes to support a variety of needs, including modification of behaviours. The aim of the short-term interventions is to provide one-to-one and small group provision and specialist input for identified students. Students are referred for intervention via TACT (Team around the child and tutor) meetings following an assessment of need.

2.3 Managed Move

Where appropriate, the headteacher in consultation with the parents and carers will consider whether a permanent 'managed move' to another mainstream school would be in the child's best interests.

A 'managed move' is a formal agreement between two schools, a student and the parents/carers allowing a child at risk of permanent exclusion to have trial permanent transfer to another school initially on a dual registration basis.

Managed moves will only be used when voluntary and agreed with all parties involved including the admissions authority of the new school. This would be offered where appropriate, as part of a planned intervention.

Managed moves would be reported to both the Ethos Committee and full Governors meetings as part of the regular review of behaviour interventions.

2.4 Off-Site Direction

Where in-school targeted support and intervention have not been successful, the headteacher may use an 'off-site direction' to support students in improving their behaviour.

An 'off-site direction' is a time-limited placement at an alternative provision setting for the purposes of improving behaviour, during which the student will be dual-registered. This alternative provision could be full or part-time, depending on the student's need.

The school will work with parents and other professionals involved with the student to ensure clarity of understanding of the reasons for off-site direction, expectations of the student, expectations in terms of review of the placement and timescale.

During the period of 'off-site direction', the school will communicate regularly with the alternative setting and hold review meetings regarding impact and progress. The off-site direction will remain under regular review.

The school recognises that parents (or students aged 18 or over) and, where the students has an EHC plan, the local authority can request, in writing, that the governing

board hold a review meeting. The school notify these parties of this right promptly whenever an off-site direction decision has been made.

The governing board will comply with any such review request as soon as reasonably practicable, unless there has already been a review meeting in the previous 10 weeks.

All off-site directions will be reported to both the Ethos Committee and full Governors meetings as part of the regular review of behaviour interventions.

2.5 Suspensions and Permanent Exclusions

Only the Headteacher (or the Acting Headteacher appointed in her absence) has the power to suspend or permanently exclude a student from school and this must be on disciplinary grounds.

Time limits

A student maybe suspended for one or more fixed periods (up to **a maximum of 45 school days in a single academic year**), or permanently excluded. A suspension does not have to be for a continuous period and can be for parts of the school day, such as lunchtime suspensions which must be recorded and count as half a school day for statistical purposes.

From the **sixth day** of a suspension, the governing board (or for a permanent exclusion, the local authority) must arrange suitable full-time education for any students of compulsory school age. Where a student receives consecutive suspensions, these are regarded as a cumulative period of exclusion for the purposes of this duty.

The governing board will ensure that there are clear processes in place to comply with its legal duty to arrange suitable full-time educational provision for students of compulsory school age from the sixth consecutive school day of a suspension in line with para 94 of the DfE Suspension and Exclusions Guidance.

The law does not allow for extending a suspension or ‘converting’ a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Principles, Civil Standard, Equity, SEN Code.

Any decision of a school, including exclusion, must be made in line with the principles of administrative law and must be lawful; rational; reasonable; fair; and proportionate.

When establishing the facts in relation to an exclusion, the Headteacher must apply the civil standard of proof, i.e. ‘on the balance of probabilities’, it is more likely than not to be true. This is a lower threshold than the criminal standard of ‘beyond reasonable doubt’.

The behaviour of a student outside school can be considered grounds for an exclusion.

Under the Equality Act (2010), academies must not discriminate against, harass or victimise students because of their: gender, race, disability, social background, religion or belief, or sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For children with a disability, this includes a duty to make reasonable adjustments to policies and practices.

The school recognises that it’s legal duties to students with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how we support disabled students during a suspension.

The Headteacher and governing board must also comply with their statutory duties in relation to Special Educational Needs (SEN) when administering the exclusion process. This includes having regard to the SEND Code of Practice (2015).

Recording of Suspensions and Exclusions

Any time a student is sent home due to disciplinary reasons and asked to log on or utilise online pathways **will always be recorded as a suspension**.

A suspension can also be for parts of the school day, e.g. if a student was suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.

The Admissions Officer will maintain a record of the number of days any student has been suspended in one academic year to ensure compliance with the above. This will include suspensions received from other schools.

The school will ensure that information is provided via the school census on students who are subject to any type of suspension or permanent exclusion in the previous two terms.

Unlawful Exclusion

It is unlawful to exclude for a non-disciplinary reason. For example, it would be unlawful to exclude a student simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a student's parents; or the failure of a student to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.

'Informal' or 'unofficial' exclusions, such as sending a student home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers.

3 RESPONSIBILITIES OF THE HEADTEACHER

3.1 Making the decision to suspend or exclude

Only the headteacher (or the acting headteacher appointed in her absence) has the power to suspend or permanently exclude a student from school on disciplinary grounds.

In considering the **suspension or permanent exclusion** of a student, the Headteacher should ensure that the following steps are taken:

- a thorough investigation of the incident(s), with a written report;
- Where appropriate the student will be given support to express their view including through advocates such as parents or if the student has one, a social worker; and the student will be informed about how their views have been factored in, to any decision made.
- consideration of all relevant facts including contributory factors identified after the incident and firm evidence to support the allegations, adopting the civil standard of proof, i.e. 'on the balance of probability' and any running total on suspension days in line with s2.4 above;
- consideration of all relevant policies, including the school's Behaviour Policy;
- consideration of whether an incident appeared to be provoked;
- ensuring all students involved are able to provide witness statements and/or their version of events;

- due regard to the Equality Act (2010)

Permanent exclusion will only be used as a last resort. Before taking the decision to permanently exclude a student, the headteacher will have regard to all the available evidence, including the range of support strategies that have been used, as outlined in the school Behaviour Policy.

3.2 Rescinding a Suspension or Exclusion

The headteacher may rescind a suspension or permanent exclusion (even if it has already begun) but only if it has yet to be reviewed by the governing board.

When a suspension or permanent exclusion is rescinded

- the parents, the governing board and the local authority will be notified without delay and if relevant, the social worker and the Virtual School Headteacher;
- Parents will be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being rescinded;
- Where the exclusion has already begun, the number of days will count towards 45 days maximum suspension limit.

The school will report termly to the governing board on the number of suspensions or permanent exclusions which have been rescinded including the circumstances and the reasons for the decision to rescind. The students will be allowed back into school as soon as the decision to rescind has been made by the headteacher.

3.3 Provision of Work and Referrals

The headteacher will take reasonable steps to ensure that work is set and marked for students during the first five school days of a suspension or permanent exclusion prior to any alternative provision being put into place.

Any appropriate referrals to support services or notifying key workers (such as a student's social worker) should also be considered.

3.4 Reintegration

The headteacher will ensure that there is a clear process for reintegrating suspended or permanently excluded students and supporting students' future behaviour. This will include a meeting with the student (and ideally the parent/carers whether before or at the point of return) and if relevant may include other agencies.

The school will consider what support is needed to help the student return to mainstream education and meet the expected standards of behaviour.

School staff will make clear as part of the integration process that the student now has a fresh start in terms of behaviour.

The school understands that the return of a student cannot be delayed because the parent/carer is unable to attend the reintegration meeting.

4 SAFEGUARDING OF STUDENTS

The school recognises

- the key importance of input from its Designated Safeguarding Lead to any suspension or permanent exclusion decisions that are linked to an ongoing safeguarding investigation; and to arrangements for the reintegration of any student reinstated following a governing board review; alongside
- its duty to safeguard and support children and to provide an education.

Reference will be made to Section 5 of *Keeping Children Safe in Education* and the DSL (or a deputy) will make an immediate risk and needs assessment for any cases where there has been a report of sexual violence/assault. The school will have regard to the general safeguarding principles set out in *Keeping Children Safe in Education* at all times.

5 DUTY TO INFORM THE PARTIES

5.1 Informing Parents

Initial Notification

Whenever the headteacher suspends or permanently excludes a student they must, **without delay**, notify parents of the period of the suspension or permanent exclusion and the reason(s) for it.

Such notification must not be delayed and should be in person or by telephone in the first instance to allow the parents to ask initial questions.

Written notification (Required Information)

The headteacher must also, without delay, provide parents with the following information in writing:

- the reason(s) for the suspension or permanent exclusion;
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the exclusion to the governing board and how the student may be involved in this;
- up-to-date links to sources of impartial advice for parents (listed in DfE Suspension & Exclusions Guidance, Sept 2022 section 75);
- how any representations should be made; and
- where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents or a student of there are 18 years old, have a right to attend a meeting, be represented at that meeting (at their own expense) and to bring a friend
- The headteacher should also set out what arrangements have been made to enable the student to continue their education prior to the start of any alternative provision
- the arrangements for the reintegration meeting following a suspension.

Written notification of the information above can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.

Written Notification (Additional Information) - as appropriate

The following additional information is also required as appropriate and for this additional information the guidance for delivery differs to the above.

The Additional Information listed below may be delivered by an effective method to the parents such as email or text message, giving the notice directly to the parents, or sending the information home with the suspended or permanently excluded student. Where information is sent home with the student, the headteacher should consider

sending a duplicate copy by an alternative method or confirming that the information has been received.

- Where an excluded student is of compulsory school age, the headteacher must also notify the student's parents of the **days on which they must ensure that the student is not present in a public place** at any time during school hours or risk a fixed penalty notice or face prosecution (i.e. the first five school days of the suspension or permanent exclusion or until the start date of any full time alternative provision or end of the suspension, whichever is the earlier). Any parent who fails to comply without reasonable justification commits an offence and can be fined. The headteacher must notify the parents of their duty without delay and at the latest by the end of the afternoon session on the first day of suspension or permanent exclusion.
- If **alternative provision** is being arranged then the notice should also include (where it can reasonably be established in the timescale)
 - Start date for any provision of full-time education for the student during the suspension or permanent exclusion and its address;
 - the start and finish times of any such provision and time of morning & afternoon sessions where relevant
 - any information needed by the student to identify who they report to on the first day.
 - If the information is not yet available it must be provided without delay and no later than 48 hours before the provision is due to start unless provision is to start before the sixth day in which case information can be provided with less than 48 hours' notice with the parent's consent.

5.2 Informing the Social Worker and Virtual School Headteacher

In line with *Keeping Children Safe in Education* the school will also be proactive in sharing information with social workers and Virtual Headteachers as early as possible to help identify, assess, and respond to risks or concerns about the safety and welfare of children.

Whenever the headteacher suspends or excludes a student she will, without delay, after her decision, also notify the social worker, if a student has one and/or the Virtual School Headteacher (VSH) if the student is LAC, of the period of the suspension or permanent exclusion and the reason(s) for it.

5.3 Informing Local Authority & Home Local Authority

The local authority will be informed without delay of all suspensions regardless of their length; and permanent exclusions including the reasons and length where appropriate and all the Additional Information listed in section 5.1 above.

For permanent exclusions the student's 'home' local authority must be informed with the same information.

This communication will come from the headteacher and full records will be maintained.

5.4 Informing the Governing Board about a specific suspension or exclusion

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

- Any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the student);

- Any suspension which would result in the student being excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term; and
- Any suspension or permanent exclusion which would result in the student missing a public examination or national curriculum test.

When removing a student from the school roll, **the governing board must ensure** this is done under the circumstances prescribed by the Education (Pupil Registration) (England) Regulations 2006, as amended. If applicable, the student's name should be removed from the school roll at the appropriate time

The headteacher will also

- check with the Chair of Governors to ensure there are clear processes in place for considering suspension or permanent exclusions (finding convenient date, involving the student, circulating documentation, etc)
- notify the governing board that the need to consider reinstatement is dependent on receiving parental representations (and about correct timescale)
- ensure governors understand the suspension and permanent exclusion process to enable a review within deadlines and timely system to enable parents to make representations.

Governors will consider their needs for additional training, including on behaviour management, routines, norms and consequences, disability awareness, the Equality Act 2010, the Children and Families Act 2014 and SEN provision.

- Ensure up-to-date templates are used for notifying parents of the decision and explaining the next steps

5.5 Headteacher checklist

The headteacher will consider:

- Has the school spoken to the parents (and when appropriate, the child's social worker) to ensure they fully understand the type/scale of the incident?
- Has the school considered how to communicate accessibly and clearly, including whether parents may have particular communication needs relating to a disability or having English as an additional language (EAL)?
- Has the school provided sufficient details in the suspension or permanent exclusion notice letter on the reasons for the suspension or permanent exclusion?
- Does the notice contain all the required information as set out in part six of the *Suspension and Permanent Exclusion* guidance? (see the note below)
- Has the school informed parents (and when appropriate, the student's social worker or the local authority if a student has an EHCP) whether their student will be able to sit any national curriculum test(s) or public examination(s) occurring during the suspension or permanent exclusion?
- When several suspensions have been issued in a term, has the school informed parents of their right of representation to the governing board?

Note: Part Six of the Suspension & Permanent Exclusion Guidance, Sept 2022

This relates to the governing board and local authority's duties to arrange education for excluded students from the sixth day (or from the first day for a LAC or student with a social worker). If consecutive suspensions, this would be

the sixth day from the initial suspension. Reasonable steps needed to set and mark work for the first five days. For permanent exclusions the students home local authority must arrange full time education from the sixth day. Where a looked after child is excluded the school will document the provision of immediate suitable education in the child's PEP. Provision does not need to be arranged by school or local authority of student is in final year with no further public exams.

Governing board should ensure that clear processes are in place to comply with its legal duty to arrange suitable full time education from the sixth day of a suspension, including

- Checking that there is a process in place for the governing board to assure itself that the education provided is suitable and full-time;*
- Quality assuring provision and ensuring that any previous placements have been evaluated, including support for any SEND the student may have;*
- Checking whether there is a process in place to monitor the student's attendance and behaviour at the provision;*
- Checking whether the correct attendance code is being used; and*
- Checking whether the student's child protection file and any other information relevant to the student's safeguarding and welfare has been securely transferred to their new setting as early as possible, in line with Keeping Children Safe In Education 2021*

Please continue overleaf

6 REVIEW OF THE DECISION TO EXCLUDE

6.1 Duties of the Governing Board

The governing board has a duty to consider parents' representations about a suspension or exclusion as set out in the diagram (from the DfE Guidance) on the right. The board may delegate this function to a designated committee.

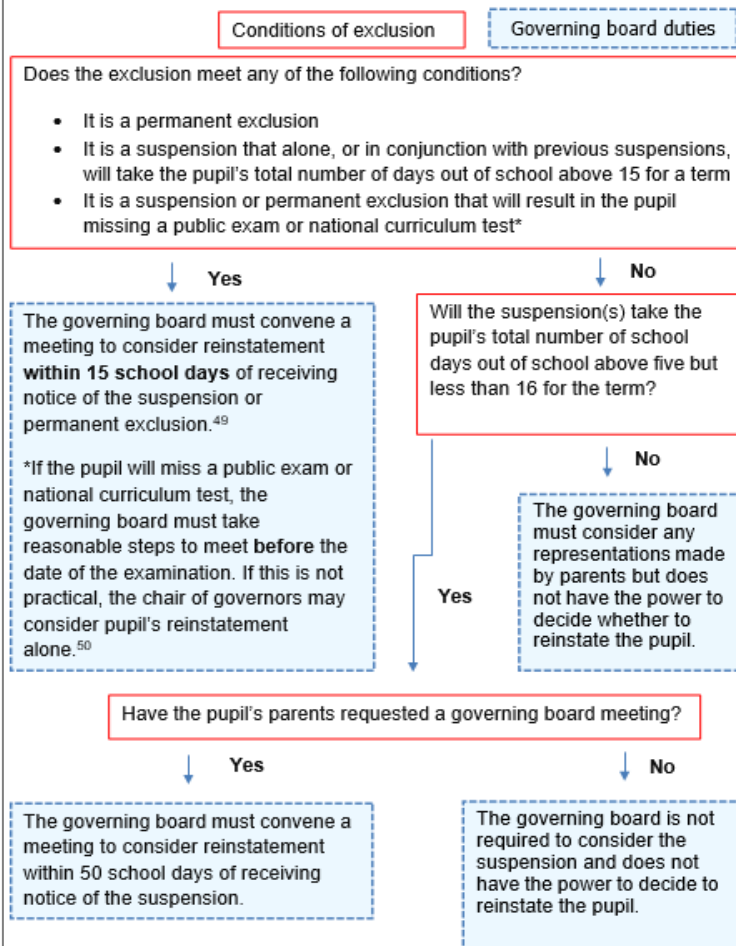
The governing board **must consider** the reinstatement of an excluded student within 15 school days of receiving notice of the exclusion if:

- the exclusion is permanent;
- it is a suspension which would bring the student's total number of school days of suspension to **more than 15 in a term**; or
- it would result in a student missing a public examination or national curriculum test.

For suspensions of **more than 5 but less than 16 school days**, if the parents make representations, the governing board must consider within 50 school days of receiving the notice of exclusion whether the student should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the student.

For suspensions of 5 or fewer days, the governing board must consider any representations made by parents but does not have the power to reinstate the student.

A summary of the governing board's duties to review the headteacher's exclusion decision



Where the exclusion would result in a student missing a public examination or national curriculum test, the governing board must, so far as is reasonably practicable, consider the exclusion before the date of the exam. If this is not possible, the exclusion may be considered by a smaller sub-committee if the Academy Trust's Articles of Association allow. In such cases, parents must be made aware of their right to make representations to the governing board. Reference in the diagram to the chair being able to review the decision alone, relates only to maintained schools, not to Academies.

6.2 Meeting of the Governing Board

The following parties must be invited to a meeting of the governing board and allowed to make representations:

- parents (and, where requested, a representative or friend);
- the student, if aged 18 or over
- the headteacher; and
- the child's social worker if the student has one; and
- the Virtual School Headteacher if the child is LAC.

Parents will be notified that they may request that the **local authority and/or the home local authority** attend a meeting of an academy's governing board as an observer. Representatives may only make representations with the governing board's consent.

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

Reasonable Endeavours on Timing

The governing board will make reasonable endeavours to arrange the meeting within the statutory time limits set out above and will try to have it at a time that suits all relevant parties. DfE Guidance however confirms that its decision will not be invalid simply on the grounds that it was not made within these time limits.

*If a reinstatement meeting would make no practical difference (e.g. student has already returned to school following the expiry of a suspension or the parents make clear they do not want their child reinstated), the governing board **must still meet** to consider whether the student should or would have been officially allowed back into the school. Ideally, a reinstatement meeting will happen as soon as possible and before the student is back in school.*

Arrangements

Where the governing board is legally required to consider the reinstatement, they will

- **not discuss** the suspension or permanent exclusion with any party outside the meeting;
- **ask for any written evidence in advance of the meeting**, including witness statements and other relevant information held by the school such as those relating to a student's SEN and the student's school record;
- **circulate written evidence and information where possible**, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- **allow** parents and the student to be accompanied by a friend or representative (where a student under 18 is to be invited as a witness, the governing board should first seek parental consent);
- **invite** the student's social worker, if they have one, and if the student is LAC, the VSH to attend;
- **comply with their duty to make reasonable adjustments** for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting; and
- **identify the steps they will take to enable and encourage** the suspended or permanently excluded student to attend the meeting and speak on their behalf (such as providing accessible information or allowing them to bring a friend), taking into account the student's age and understanding; or how the suspended or permanently excluded student may feed in their views by other means if attending the meeting is not possible.
- **Consider both the interests of the suspended or permanently excluded students but also those of other students, staff and the school community.**
- **Adopt the Civil Standard of Proof:** When establishing the facts in relation to a suspension or permanent exclusion the governing board must apply the civil

standard of proof, i.e., 'on the balance of probabilities' (it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

- **Ensure clear minutes** are taken of the meeting and made available to all parties on request and must state clearly how the decisions have been reached.
- Ask all parties to **withdraw from the meeting** prior to making decision. Clerk may remain.
- **Social workers and Virtual School Headteachers (VSH)** should be encouraged to attend the governing board meeting to share information regarding the student's background and circumstances that may be relevant as a contributory factor in what happened and ensuring that safeguarding needs and risks and the child's welfare are taken into account.

6.3 Decision of the Governing Board

In reaching a decision on whether a student should be reinstated, the governing board should consider whether the decision to exclude the student was lawful, reasonable and procedurally fair, taking into account the headteacher's legal duties and any evidence that was presented to the governing board in relation to the decision to exclude.

The governing board must notify parents (or student if they are 18 years or over), the headteacher and where relevant the Local Authority, the student's social worker and/or VSH of its decision, and the reasons for it in sufficient detail to enable all parties to understand why the decision was made. This must be done in writing and without delay.

In the case of a permanent exclusion where the governing board decides not to reinstate the student, the governing board's notification must also include:

- the fact that the exclusion is permanent;
- notice of the right of parents to seek a review of the decision by an independent review panel (IRP) including the following information:
 - (a) the date by which an application must be made;
 - (b) where and to whom an application for a review (and any written evidence) should be submitted;
 - (c) that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the student's SEN are considered to be relevant to the exclusion;
 - (d) that, regardless of whether the excluded student has recognised SEN, parents have a right to require the school to appoint a SEN expert to advise the IRP;
 - (e) details of the role of the SEN expert; and
 - (f) that parents may, at their own expense, appoint someone to make written and/or oral representations to the IRP.
- that, in addition to the right to apply for an IRP, if parents believe that there has been unlawful discrimination in relation to the exclusion, then they may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. A claim of discrimination under the Equality Act 2010 should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

- A link to statutory guidance on exclusions; guidance on making a claim of discrimination and to sources of free and impartial advice that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision to permanently exclude their child.

7 INDEPENDENT REVIEW PANEL

Where a permanent exclusion is upheld by the governing board, parents must be informed of their right to seek an independent review of the decision not to reinstate the permanently excluded student and the deadline for seeking a review. The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the governing board of its decision not to reinstate a permanently excluded student; or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

Any application made outside the legal time frame must be rejected by the school.

If requested by parents, the school must appoint a SEN expert to attend the IRP and must cover the costs of this appointment. Parents have the right to request a SEN expert regardless of whether the school recognises that the student has SEN.

The Independent Review Panel (IRP) cannot direct a governing board to reinstate a student. It may, however:

- uphold the governing board decision;
- recommend that the governing board reconsiders reinstatement;
- quash the governing board's decision and direct that they reconsider reinstatement

An IRP may only quash a governing board's decision if it considers that it was flawed when considered in the light of the principles applicable on an application for judicial review.

8 EXCLUSION OF A STUDENT WHO HAS SEN AND/OR DISABILITIES

The SEND Code of Practice (2015) states that schools and colleges should have clear processes to support children and young people, including how they will manage the effect of any disruptive behaviour, so it does not adversely affect other students. The Department for Education publishes guidance on managing student's mental health and behaviour difficulties in schools.

Statutory guidance (2017) states that early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a student may have. Particular regard should be paid whether disruptive behaviour is an indication of underlying social, emotional and mental health need (SEMH).

In addition to the approaches on early intervention, set out above, the headteacher should consider what extra support might be needed to identify and address the needs of students from these groups in order to reduce their risk of exclusion.

1. DfE (2016) School Attendance
2. Children's Commissioner (2013) Always Someone Else's Problem: Office of the Children's Commissioner's Report on Illegal Exclusions
3. Ofsted (2014) Schools' Use of Exclusion

4. Adopted Children and Exclusions (2017)
5. Timpson Review of Exclusions (2019)

The school should, as far as possible, and without impacting upon the education of other students in the school, avoid permanently excluding any student with an Education, Health and Care Plan (EHP) or a looked after child.

9 REINTEGRATION AFTER SUSPENSION OR OFF-SITE DIRECTION

The school will operate a reintegration strategy that offers the student a fresh start; helps them understand the impact of their behaviour on themselves and others; and teaches them to how meet the high expectations of behaviour in line with the school's ethos; fosters a renewed sense of belonging within the school community; and builds engagement with learning.

This strategy will be clearly communicated at a reintegration meeting with the student (together ideally, with the parent/carers) before or at the point of the students return to school. At this meeting the school will communicate to the student

- that they are valued, and
- their previous behaviour will not be seen as an obstacle to future success.

Where possible this meeting should include the student's parents. However, it is important to note that a student Should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting. To ensure ongoing progress, the strategy should be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the student, parents, and other relevant parties.

10 GOVERNORS OVERSIGHT OF EXCLUSION NUMBERS AND PATTERNS

The headteacher will notify the governing board once per term of all suspensions regardless of their length; and permanent exclusions for their oversight and review. This will form part of the headteacher's termly report to Full Governors but will also be an agenda team item at the preceding Ethos Committee meetings.

Notifications must include the reason(s) for the suspension or permanent exclusion and the duration of any suspension.

The school will monitor (and together with the governing board will review) any patterns or trends in the number and characteristics of students who have been the subject of an off-site direction, suspension or permanent exclusion

- to help identify what might lie behind any local trend;
- to help the school to effectively plan and put in place additional and targeted action based on our own context, where appropriate; and to
- to ensure that permanent exclusions are only used when necessary, as a last resort.

As part of this our governors will consider

- effectiveness and consistency in implementing the school's behaviour policy;
- the school register and absence codes;
- instances where student receive repeat suspensions;
- interventions in place to support student at risk of suspension or permanent exclusion;

- any variations in the rolling average of permanent exclusions to understand why this is happening, and to ensure 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;
- understanding the characteristics of excluded students, and why this is taking place; and
- whether the placements of students directed off-site into Alternative Provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that students are benefiting from it.

Governors are guided to: [Understanding your data: a guide for school governors and academy trustees - GOV.UK \(www.gov.uk\)](#)

11 RELEVANT LEGISLATION AND GUIDANCE

11.1 Relevant legislation and guidance

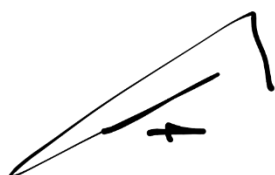
- Suspension and Permanent Exclusion from maintained schools and academies and PRUs including pupil movement, Sept 2022
- Section 51A of the Education Act 2002, as inserted by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- Sections 100 to 108 of the Education and Inspections Act 2006;
- Statutory Guidance for those with legal responsibilities in relation to exclusion (2017);
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by Regulations 2014
- SEND Code of Practice: 0-25 years (updated May 2015)
- Special Educational Needs and Disability Regulations 2014 (Part 4)
- School Attendance: Guidance for maintained schools, academies, independent schools and local authorities (November 2016)
- Equality Act 2010

10 RATIFICATION

The policy has been approved and ratified by the headteacher and governors at the full governing board meeting in September 2023.



Mrs S O'Donovan, Headteacher



Glen Hodgson, Chair of Governors