



Suspensions & Exclusions Policy

Contents:

| | |
|--|----|
| 1. Statement of Intent..... | 3 |
| 2. Statutory Framework..... | 3 |
| 3. Roles & Responsibilities..... | 3 |
| 4. Types of Exclusion or Suspension | 5 |
| 5. Duties to Inform..... | 8 |
| 6. Considering suspensions and exclusions..... | 9 |
| 7. Removing excluded students from the school register | 10 |
| 8. Criminal investigations | 11 |
| 9. Using data..... | 11 |
| 10. Monitoring & Review | 11 |
| Appendix 1 (Statutory Guidance): | 12 |
| Appendix 2 (Permanent Exclusion processes): | 13 |

1. Statement of Intent

At Furze Platt Senior School we understand that good behaviour and discipline is essential for promoting a high-quality education. It is the policy of Furze Platt Senior School to avoid suspensions or exclusions whenever possible. The school Behaviour for Learning Policy and ladder of sanctions provides a coherent framework which contains a number of more constructive sanctions.

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

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Furze Platt Senior School aims to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and pupils understand the exclusions process
- Ensure that pupils in school are safe and happy
- Prevent pupils from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

This policy defines the legal responsibilities of the Headteacher, governing body and LA when responding to student 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 student's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

2. Statutory Framework

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

- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education Act 2002 (as amended by The Education Act 2011)
- The Education and Inspections Act 2006
- The Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (as amended 2014)
- The European Convention on Human Rights (ECHR)
- The Equality Act 2010
- Children and Families Act 2014
- The School Inspection Handbook, which defines 'off-rolling'

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

- DfE (2023) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2022) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

3. Roles & Responsibilities

3.1. The Local Authority 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 student of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing students' 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.

3.2. The governing body is responsible for:

- Providing information to the Secretary of State and LA about any suspensions and exclusions within the last 12 months.
- Arranging suitable full-time education for any student of compulsory school age who is suspended, where required.
- Considering parents' representations/the pupils' (if they are 18 or older) 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 student missing a public examination or test, considering the suspension or exclusion before this date.
- Considering whether it would be appropriate for a student 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 students in certain circumstances
- Considering the interests and circumstances of the suspended or excluded student, 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 student's education record, along with copies of relevant papers for future reference.
- Notifying the student's parents, the Headteacher and the LA of its decision and the reasons for it, without delay.
- Arranging for an independent review panel hearing to review the decision of the governing board not to reinstate a permanently excluded student where required.
- 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 student's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a student 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.

3.3. The Headteacher is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.
- Complying with their statutory duties in relation to students 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 student has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a student who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g. if a student 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 students, particularly those with SEND, those eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of students with additional needs.
- Determining whether a student will be suspended or excluded on disciplinary grounds.
- Withdrawing any suspensions or exclusions that have not been reviewed by the governing board, where appropriate.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a student.
- Ensuring they have considered their legal duty of care when sending a student 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 student's parents (or the pupil if they are 18 or older) without delay where the decision is taken to suspend or exclude the student, including the days on which the parents must ensure the student 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 student where appropriate, as well as the student's home authority if required.
- Notifying the governing board once per term of any exclusions in the Headteacher's report to governors.
- Organising suitable work for excluded students where alternative provision cannot be arranged.

4. Types of Exclusion or Suspension

At Furze Platt Senior School, there is an escalating scale of exclusions:

- Students may temporarily be excluded from a lesson. In most cases, this will be after the school's positive behaviour procedure has been followed, and a student still refuses to co-operate. In this instance, the student can be removed from the lesson either by the Head of Department, or the Senior Leadership Team member on duty. Students will then be placed in a 6th Form lesson.
- For more serious or repeated misdemeanours, a student may be placed in the Isolation Room for a period of up to two days. They will be supervised and provided with work, but will not be allowed into lessons. Additionally, their break and lunch will be at a different time to the rest of the school.
- Suspensions (formerly fixed-term exclusions) from school. These will usually only be applied once a student has failed to respond to lesser sanctions or for a small number of incidents considered so serious by the school that a one day exclusion is automatic (e.g. swearing at a member of staff).
- In the most serious cases, permanent exclusion from Furze Platt Senior School may be the only option left to the Headteacher.

4.1. Suspensions

- A student can be suspended for an aggregated total of 45 school days in any one academic year.
- Students can be excluded from the school site during lunchtimes, but the Headteacher has a duty to ensure that the parent/carer (or the pupil if they are 18 or older) has been informed.
- During the first five days of a suspension, the student is the responsibility of the parent/carer, although the school must ensure that adequate work is set. It is the parent/carer's responsibility to ensure that the student does not come onto the school site or is in a public place during school hours without reasonable justification. (Or the pupil if they are 18 or older takes responsibility not to come on to school site during school hours without reasonable justification.)
- On the 6th day of suspension, the school must provide suitable full-time education, either on or off the school site. Furze Platt Senior School rarely suspends a student for this number of days. If a student is suspended for longer the school will make arrangements with another school or alternative curriculum provider for education from the 6th day.
- A reintegration meeting will be held between a school representative, the student and the parent/carer after any suspension (except in very exceptional cases).
- Following suspensions of 5 days or more, a reintegration interview must take place.
- Following suspension, or cancelled suspension or exclusion, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education. The pupil, parent/carer, a member of senior staff and any other relevant staff will be invited to attend the reintegration meeting. The meeting can proceed without the parent in the event that they cannot or do not attend. The school will clearly explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupils return to school. During the meeting the school will communicate to the pupil that they are getting fresh start and they feel a valued member of the school community.

4.2. Permanent Exclusions

- A permanent exclusion is a serious step, and should only be taken when all other alternatives have been explored. However, it is clear that for some students, in some circumstances, this is the only available and appropriate option. The DfE lays out the following criteria for permanent exclusion:
 - serious breach *or persistent breaches* of the school's Relationships Policy; and
 - allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.
- In most cases, a permanent exclusion will be the final step in a process of dealing with disciplinary offences following a wider range of strategies which have been tried without

success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.

- There will however, be circumstances where a 'first offence' is so serious that permanent exclusion has to be considered. This could include:
 - serious actual or threatened violence against another student or member of staff;
 - sexual abuse or assault;
 - evidence of illegal drugs being brought on to, used or supplied on school premises will result in permanent exclusion unless exceptional circumstances (e.g. physical coercion) can be proven. Evidence of students entering the school site while under the influence of any illegal substances, even if they consumed the substance off site, could also result in permanent exclusion;
 - carrying an offensive weapon.

This is not an exhaustive list. The school may then also wish to inform the police or other appropriate agency.

When sending a student home following any suspension or exclusion, the school will ensure that we exercise our duty of care at all times and will always inform the parents.

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

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

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

All suspensions and exclusions will be formally recorded on the school's system.

4.3. Cancelling suspensions or exclusions

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

4.4. Alternatives to permanent exclusion

The school will work actively to avoid permanent exclusion from school. It is very much a last resort and where possible we will pursue the following before a permanent exclusion is confirmed:

- a managed move to another local school;
- a placement at an alternative curriculum provider;
- a highly personalised curriculum programme;
- securing an Education Health Care plan.

5. Duties to Inform

5.1 Parents (or the pupil if they are 18 or older)

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

The school will inform parents or the pupil (if they are 18 or older) in writing (or electronically if written permission has been received from the parents for notices to be sent this way) of the following:

- The reasons for the suspension or exclusion
- The length of the suspension or permanency of the exclusion
- Their right to raise any representations about the suspension or exclusion to the governing board, including how the student 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 governing board to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the student to continue their education prior to the organisation of any alternative provision, or the student's return to school
- Relevant sources of free, impartial information

Where the student is of compulsory school age, the school will inform the parents or the pupil (if they are 18 or older) by the end of the afternoon session that for the first five days of the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.

Where the school has arranged alternative provision, they will also inform the parents or the pupil (if they are 18 or older) 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 student to identify the person they should report to on the starting date

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

If the Headteacher has decided to suspend the student for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents/pupil (if they are 18 or older) without delay and issue a new suspension or exclusion notice to parents/pupil (if they are 18 or older).

5.1. Governing Body

The Headteacher will inform the governing board, without delay, of the following:

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

For any suspensions and exclusions, other than those above, the Headteacher will notify the governing body once per term.

5.2. Local Authority

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

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

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

5.3. Social Workers & Virtual School Heads

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

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

6. Considering suspensions and exclusions

- 6.1. The governing body will consider any representations made by parents (or pupil if they are 18 or older) regarding suspensions and exclusions.
- 6.2. Parents (or pupil if they are 18 or older) and, where requested, a friend or representative, the Headteacher, and a member of the LA will be invited to attend any consideration of suspensions and exclusions and will be able to make representations. Any meeting to consider reinstatement of a student will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.
- 6.3. Where it is appropriate to the student's age and level of understanding, the student will also attend any consideration meeting, and will be enabled to make a representation on their own behalf if they desire to do so.
- 6.4. The governing body will consider the reinstatement of a suspended or excluded student, where:
 - The exclusion is permanent.
 - The suspension would bring the student's total number of suspended school days to more than 15 in any given term.
 - The suspension or exclusion would result in the student missing a public examination.
- 6.5. In the case of a suspension where the student's total number of suspended days is more than 5 but less than 15 school days within a term, if parents (or the pupil if they are 18 or older) make representations, the governing body will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the governing body will consider the reinstatement on their own.
- 6.6. Where a suspension will take a student'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 body meeting, the governing body will not be required to consider the student's reinstatement, but it will have the power to do so if it deems it appropriate.
- 6.7. Where a suspension will not bring a student's total number of days of suspension or permanent exclusion to more than five days in a term, the governing body will consider all

representations made by parents; however, the board cannot direct the reinstatement of the student and it is not required to arrange a meeting with parents.

- 6.8. Where suspension or exclusion would result in a student missing a public examination, the governing body will consider the suspension or exclusion before the test to decide whether the student should be reinstated in time to take the examination.
- 6.9. 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 student.
- 6.10. In light of the above, the governing body will also consider whether it would be appropriate to allow the suspended or excluded student to enter the premises to take the examination.
- 6.11. When considering the reinstatement of a student, the governing body will:
 - Only discuss the suspension or exclusion with the parties present at the meeting.
 - Ask for any written evidence prior to the meeting.
 - Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
 - Allow students 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 student 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 student, including the grounds for suspension or exclusion.

7. Removing excluded students from the school register

The school will remove students from the register if:

- 15 school days have passed since the parents/pupil (if they are 18 or older) were notified of the governing body's decision not to reinstate the student and no application for an independent panel review has been received.
- The parents//pupil (if they are 18 or older) 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 Headteacher will wait until the review has been determined, or abandoned, and until the governing body has completed any reconsideration that the panel recommended or directed it to carry out, before removing the school from the school register.

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

- All the particulars which were entered in the register.
- The address of any parent with whom the student normally resides.
- The grounds upon which the student'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 student's name was removed.

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

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

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

8. Criminal investigations

- 8.1. The Headteacher will not postpone taking a decision to suspend or exclude a student due to a police investigation being underway, or any criminal proceedings that are in place.
- 8.2. Particular consideration will be given by the Headteacher when deciding to suspend or exclude a student where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.
- 8.3. If the governing board is required to consider the Headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

9. Using data

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

- Consider the level of student moves and the characteristics of student who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- Gather information on students 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 for Learning 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 students and evaluate equality considerations.
- Gather information on where students are receiving repeat suspensions.
- Evaluate interventions in place to support students 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 students directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives.

10. Monitoring & Review

- 10.1. This policy is reviewed annually by the Headteacher.
- 10.2. The scheduled review date for this policy is November 2024.

Appendix 1 (Statutory Guidance):

Useful extracts from the statutory guidance

- *Students whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to suspension, such as the Headteacher's duty to notify parents, still apply. Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.*
- *The behaviour of students outside school can be considered as grounds for exclusion. This will be a matter of judgement for the Headteacher in accordance with the school's published behaviour policy.*
- *When establishing the facts in relation to an exclusion decision the Headteacher 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'.*
- *Under the Equality Act 2010 ("the Equality Act") schools must not discriminate against, harass or victimise students because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices.*

Statutory guidance to headteachers on the exclusion of students from groups with disproportionately high rates of exclusion

- *The exclusion rates for certain groups of students are consistently higher than average. This includes: students with SEN; students eligible for free school meals; looked after children¹; and students from certain ethnic groups. The ethnic groups with the highest rates of exclusion are: Gypsy / Roma; Travellers of Irish Heritage; and Black Caribbean communities.*
- *In addition to the approaches on early intervention set out above, headteachers 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. For example, schools might draw on the support of Traveller Education Services, or other professionals, to help build trust when engaging with families from Traveller communities.*

Statutory guidance to headteachers on the exclusion of students with statements of SEND and looked after children

- *As well as having disproportionately high rates of exclusion, there are certain groups of students with additional needs who are particularly vulnerable to the impacts of exclusion. This includes students with statements of special educational needs (SEND) and looked after children. Headteachers should, as far as possible, avoid excluding permanently any student with a statement of SEND or a looked after child.*
- *Schools should engage proactively with parents in supporting the behaviour of students with additional needs. In relation to looked after children, schools should co-operate proactively with foster carers or children's home workers and the local authority that looks after the child.*

¹ As defined in section 22 of the Children Act 1989

Where a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a student with a statement of SEND or a looked after child, it should, in partnership with others, (including the local authority as necessary) consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a student's SEND. Where a student has a statement of SEND, schools should consider requesting an early annual review or interim / emergency review.

Appendix 2 (Permanent Exclusion processes):

What is the procedure for permanently excluding a student?

When the Headteacher decides to permanently exclude a student, the parent(s) or carer(s) (or pupil if they are 18 or over) will be notified immediately, usually in a meeting, followed by a letter without delay. Parents (or pupil if they are 18 or over) will be provided an opportunity to ask questions and next steps will be explained. Where it has not been possible to get hold of parents to speak to them directly, they may be sent an exclusion notice electronically.

The correspondence will state:

- the reasons for the exclusion;
- the parent's right to make representations to the governing body, and how the student can be involved in this;
- who to contact about making such representations;
- the arrangements made by the school for the student to continue their education during the first 5 days of the exclusion, including setting and marking of work (with parent(s) having responsibility for ensuring that work sent home is completed by the student and returned to school);
- the school days (or school day from) which the student will be provided with alternative suitable education.

Suspension vs Permanent Exclusion

The DfE Exclusions Guidance (September 2023) states that *"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."*

The student should not return to school between these periods. This does mean that the school could suspend while 'investigation is underway' and decide to permanently exclude or extend the suspension if new evidence is provided to them during the investigation period.

If the student is suspended for a further period, or is permanently excluded following the original exclusion, the Headteacher will issue a new suspension/exclusion notice to parents, and notify them of the new exclusion without delay.

For the first five days after Permanent Exclusion, the school will provide sufficient work for the student. From the sixth day of a Permanent Exclusion it is the statutory responsibility of the Local Authority to provide full time education for all students. The Access & Inclusion Officer will be in touch with the family within the first five days to make arrangements for the sixth day and beyond.

What are the obligations of parents after their child is permanently excluded?

For the first 5 days after permanent exclusion, the parents of an excluded student, who is of compulsory school age, must make sure that he or she is not present in a public place during school hours, unless there is a reasonable justification. Failing to ensure this is an offence, and parents may be given a fixed fine of £60.

For all permanent exclusions, the Local Authority must arrange suitable full-time education for the student, again of compulsory school age, to begin no later than the sixth day of the exclusion. This duty is set out in section 19 Education Act 1996.

In addition, where a student has a Statement of Special Educational Needs (SEN) or Education, Health & Care Plan (EHCP), the Local Authority must ensure that an appropriate full-time placement is identified in consultation with the parents.

Does the school have to provide education during the first 5 school days of an exclusion?

It is important for schools to help minimise the disruption that exclusion can cause to an excluded student's education. Whilst the statutory duty on governing bodies and Local Authorities is to provide full-time education from the sixth day of an exclusion, there is an obvious benefit in starting this provision as soon as possible.

The school will always take reasonable steps to set work for students to complete during the first five days after permanent exclusion. The work provided will be accessible and achievable by students outside of school.

When will a governing body review a Permanent Exclusion?

The governing body has a duty to consider parents' representations about all Permanent Exclusions. All permanent exclusions will be reviewed by a Governing Body Disciplinary Panel within 15 school days of receiving notice of the exclusion.

Governors will either uphold the decision to exclude the student or consider their reinstatement.

What will happen at a Governing Body Disciplinary Panel meeting?

The following parties will be invited to a meeting of the governing body and can make representations:

- parents;
- the Headteacher;

The governing body will:

- 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 special educational needs);
- circulate any written evidence and information, including a list of those who will be present, to all parties at least 5 school days in advance of the meeting;
- allow parents and students to be accompanied by a friend or representative;
- identify the steps they will take to enable and encourage the excluded student to attend the meeting and speak on their own behalf (taking into account the student's age and understanding) or participate by other means if attending the meeting is not possible.

When considering the exclusion, the governing body will consider:

- the interests and circumstances of the excluded student;
- the circumstances in which the student was excluded; and
- the interests of other students and people working at the school.

When establishing the facts in relation to an exclusion decision, the governing body will apply the civil standard of proof – i.e. 'on the balance of probabilities', it is more likely than not that a fact is true.

In reaching a decision on whether or not to reinstate a student, the governing body will consider whether the decision to exclude the student was lawful, reasonable and procedurally fair, taking account of the Headteacher's legal duties.

In the light of their consideration, the governing body will either:

- uphold an exclusion; or
- direct reinstatement of the student immediately or on a particular date.

The governing body will notify parents, the Headteacher and the Local Authority of its decision, and the reasons for its decision, in writing and without delay. The governing body will set out the reasons for its decision in sufficient detail to enable all parties to understand why the decision was made.

For all permanent exclusions, the governing body's notification will also include the following information:

- the fact that it is permanent;
- notice of the parents' or pupils' (if they are 18 or older) right to ask for the decision to be reviewed by an Independent Review Panel, including:
 - the date by which an application for a review must be made;
 - the name and address to whom an application for a review (and any written evidence) should be submitted;
 - that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the student's special educational needs are considered to be relevant to the exclusion;
 - that parents must make clear if they wish for a SEN expert to be appointed in any application for a review;
 - details of the role of the SEN expert and that there would be no cost to parents for this appointment; and
 - that parents may, at their own expense, appoint someone to make written and / or oral representations to the panel and that parents may also bring a friend to the review;
- that, in addition to the right to apply for an Independent Review Panel, if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the (Special Educational Needs and Disability), First-Tier Tribunal in the case of disability discrimination, or the County Court in the case of other forms of discrimination;
- that a claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place, e.g., the day on which the student was excluded.

What will happen at an Independent Review Panel?

If the governing body uphold a permanent exclusion, parents have the right to request that their decision is reviewed by an Independent Review Panel (IRP).

Parents must lodge their application for a review:

- within 15 school days of notice being given to the parents by the governing body of their decision to uphold a permanent exclusion; 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.

These are strict deadlines and any application made outside of the legal time frame will be rejected by the school.

Parents or the pupil (if they are 18 or older) may request an Independent Review Panel even if they did not make a case to, or attend, the meeting at which the governing body considered the exclusion.

Parents must submit written representations and, if applicable, supporting evidence, when lodging their application. New evidence can be submitted to the Independent Review Panel. However, when deciding whether to quash the decision, the panel should only take account of

evidence available to the governing body at the time of making its decision not to reinstate. The Panel is able to take account of evidence that they consider would, or should have been available to the governing body, and that the governing body ought to have considered. Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

Reconsidering reinstatement following a review

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

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

Where the independent review panel recommends that the governing board should reconsider their decision not to reinstate a student, they will do so within 10 school days of being given notice of the review panel's decision. The school is aware that if, following a recommendation to reconsider, the governing board does not offer to reinstate the student, it will not be subject to a financial adjustment.

If, following reconsideration, the governing body offers to reinstate the student but the parents decline, no adjustment will be made to the school's budget. Following reconsideration, the governing body will notify the parents, Headteacher and LA of their reconsidered decision and the reasons for this.