'They will soar on wings like eagles …'

Isaiah 40:31

collaborate | enrich | trust | innovate | aspire |nurture

AQUILA Diocese of Canterbury Academies Trust

Multi Academy Trust Policy

Common Trust Policy, Use as Published

Suspension and Permanent Exclusion Policy

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1. Aims

This policy covers the management and administration of exclusions across schools in Aquila, The Diocese of Canterbury Academies Trust (The Trust). We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

The policy has been written with the trusts ethos and values at its heart and in particular our values of nurture and aspire.

Our Trust 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

General Principles

The Trust strives to ensure that each of its schools present a safe and enjoyable place in which to learn, which create high standards of behavior so that children are protected from disruption and are in a calm, safe and supporting environment, encompassing equality and diversity throughout the school community that brings out the best in every pupil. It is expected that teachers, children and parents will work together with integrity, respect and in harmony in order to grow and maintain this culture.

Behaviour which breaches the requirements of the School Behaviour Policy will not be accepted and consequently there may, regretfully, be occasions when a pupil(s) must be excluded from their school. A pupil's behaviour outside of school can also be considered grounds for suspension or permanent exclusion.

The decision to suspend a pupil for a fixed period of time or to permanently exclude a pupil, will only be taken as a last resort and:

- In response to serious or persistent breaches of the school's Behaviour Policy
- If allowing the pupil to remain in the school would seriously harm the education or welfare of another pupil or pupils in the school.

The Headteacher is the only member of staff in a school who can decide to suspend or permanently exclude a pupil from the premises.

2. Off-rolling

The Trust is aware that off-rolling is unlawful.

We will not tell or force a pupil to leave school, or not allow them to attend school, as this is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave school on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and with regard to the relevant parts of the Department of Education (DfE) guidance: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement August 2024.

Any suspension will be made on disciplinary grounds, and will not be made:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'; this is unlawful as it does not follow the formal school exclusion process, regardless of whether it occurs with the agreement of parent; it is not acceptable and must be treated as a suspension

- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school

Suspending a pupil for a short period of time, such as a half day, is permissible but the formal suspension process must still be followed and this includes asking a parent to collect a child for part of a day.

Any exclusion of a pupil, even for short periods, must be formally recorded.

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.

3. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement August 2024.

It is based on the following legislation, which outlines schools' powers to exclude pupils:

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

In addition, the policy is based on:

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

Schools have a statutory duty to make arrangements for safeguarding and to promote the welfare of their pupils. As part of this duty, they are required to have regard to guidance issued by the Secretary of State for Education and must have regard to Keeping Children Safe in Education Sept 2024.

Under the Education and Inspections Act 2006, headteachers of maintained schools and pupil referral units must determine measures to be taken with a view to:

- Promoting self-discipline and proper regard for authority among pupils
- Encouraging good behavior and respect for other on the part of the pupils and, in particular, preventing all forms of bullying among pupils.

Under the Equality Act 2010 (the Equality Act) and the Equality Act 2010: advice for schools – GOV.UK (www.gov.uk), schools must not discriminate against, harass, or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage, and the provision of auxiliary aids and services. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:

- Eliminate discrimination, harassment, victimization, and other conduct that is prohibited by the Equality Act;
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and
- Foster good relations between people who share a relevant protected characteristic and people who do not share it.

The 'relevant protected characteristics' in this context are the characteristics mentioned above. Age is also a relevant protected characteristic, but not when carrying out a function which provides education, benefits, facilities, or services to pupils.

These duties need to be complied with when deciding whether to exclude a pupil. Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory.

The governing body must also comply with their statutory duties in relation to pupils with SEN when administering the exclusion process, including using their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN and (for all settings) having regard to the Special Educational Needs and Disability (SEND) Code of Practice.

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

4. Definitions

The term 'must' refers to what headteachers/governing boards/academy trusts/local authorities/parents and others are required to do by law and must have regard to when carrying out their duties. The term 'should' refers to recommendations for good practice as mentioned in the suspension and permanent exclusion guidance and should be followed unless there is good reason not to.

The word 'suspension' is used to refer to what legislation calls an exclusion for a fixed period. Suspensions and permanent exclusions are both types of exclusions.

The definition of a 'parent' can be found in the Education Act 1996 and this applies to all the legislation to which the DfE guidance relates. In addition to the child's birth parents, references to parents in the guidance include any person who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster career) who has care of the child. To reflect this, the use of 'parent' refers to both parents and carers. Where practical, all those with parental responsibility should be involved in the suspension and permanent exclusion process.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.
Off-site direction – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behavior.
Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

5. Roles and responsibilities
5.1 The headteacher
Deciding whether to suspend or exclude

Only the Head Teacher, or acting Head Teacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school and must be made in line with the principles of administrative law, i.e. that it is:

- Lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties)
- Reasonable, fair and proportionate

When establishing the facts in relation to a suspension or permanent 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'. This means that the headteacher should accept that something happened if it is more likely that it happened than it did not happen.

Setting a clear process for exclusions

Headteachers should consider the following, when setting a clear process when following the Aquila Trust process for exclusions:

- Using the reliable method of monitoring the maximum 45 days through BromCom (reported to the CEO and to the LGB) permitted in a school year out of school due to exclusions, including suspensions received from other schools
- Ensuring that the Aquila Trust formal process of informing parents, social worker and VSH (where relevant), governing board and local authority using the template letters and PIAS form, clearly sets out all reasons for the exclusions
- Providing up to date links to sources of impartial advice is included in the template parents for parents
- Reintegrating pupils whose suspensions have ended or been cancelled and pupils whose permanent exclusions have been cancelled and supporting pupils' future behavior
- Ensuring a formal process for arranging, at short notice, suitable full-time alternative education for pupils receiving suspensions over five school days.

Reasons and recording exclusions

The government trusts headteachers to use their professional judgement based on the individual circumstances of the case when considering whether to exclude a pupil. For example:

- Physical assault against a pupil or adult
- Verbal abuse or threatening behavior against a pupil or adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by the school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability.

The headteacher will only use permanent exclusion as a last resort.

A decision to suspend a pupil will be taken only:

- In accordance with the school's Behaviour Policy
- To provide a clear signal of what is unacceptable behavior
- To show a pupil that their current behaviour is putting them at risk of permanent exclusion

Where suspensions have become a regular occurrence, the headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behavior issues.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's Behaviour Policy, and
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

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

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as
    - For suspensions, detentions or other sanctions provided for in the Behaviour Policy
    - For exclusions, off-site direction or managed moves

The headteacher should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

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

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

No Trust school may use 'informal' or 'unofficial' suspensions where pupils are sent home, even with the agreement of their parents, for a 'cooling off' period. Any suspension of a pupil must follow the formal process in order to be lawful.

Alternatives to Exclusion

The Trust and its schools are committed to using exclusion only as a last resort. Particular groups of children are more likely to be excluded from school, both for a suspension or permanent exclusion and alternatives and initial intervention will always be considered and may include:

- the use of the Early Help process (Local Authority Front Door to services), working with external agencies and parents/carers to provide support through a Single Assessment for Early Help (SAFeH) and person centred planning approach;
- restorative justice processes;
- the use of the 'alternatives to suspension and exclusion checklist' and support from the Local Authority Pupil Referral Unit outreach where appropriate;
- Regulation and reflection space (where appropriate, in line with school's Behaviour Policy);
- Another sanction in school, in line with school behaviour policy
- Access to external agencies such as an Educational Psychologist and statutory SEND services (Please see SEND Key Contacts posters).
- A managed move (only where a pupil is at risk of permanent exclusion), in line with the locally agreed protocol (contact Kent County Council for these agreed protocols)
- Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan, it should, in partnership with others, consider what

additional support or alternative placement may be required and this should involve assessing the suitability of provision for a pupil's SEN or disability

Off-site direction

Where interventions or targeted support have not been successful in improving a pupil's behavior, off-site direction should be used to arrange time limited placements at an alternative provision or another mainstream school. During the off-site direction, a pupil must be recorded in the attendance register using code D.

The proposed maximum period of time should be discussed and agreed upon as part of the planning phase for an off-site direction.

The length of time a pupil spends in another mainstream school or alternative provision and the reintegration plan must be kept under review by the governing body who must hold a review meeting as they consider appropriate. Not later than six days before the date of any review meeting, a governing body must give a written invitation to parents (and the local authority if the pupil has an EHC plan) to attend the review meeting, or to submit in writing before the date of the meting their views as to whether off-site direction should continue to have effect. The governing body must ensure, insofar as is practicable, that any review meeting is convened on a date and at a time that is suitable for parents.

Managed moves

A managed move, which leads to the transfer of a pupil to another mainstream school permanently, should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. Managed moves should only occur when it is in the pupil's best interests.

Managed moved should be offered as part of a planned intervention with an effective integration strategy. It should be preceded by information sharing, including data on prior and current attainment, academic potential, a risk assessment and advice on effective risk management strategies.

Suspension (Fixed Term Exclusion)

Any reference to "a Term" means a full seasonal term, i.e. Autumn, Spring or Summer.

Suspension may be used to provide a clear signal of what is unacceptable behaviour as part of a school's behaviour policy. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). No suspension may be given for an unspecified period of time.

Where suspensions are becoming a regular occurrence for a pupil, headteachers and schools should consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour. Headteachers should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension.

A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be 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 law does not allow for extending a Suspension or 'converting' a Suspension to a Permanent Exclusion. In exceptional cases, usually where more evidence has come to light indicating more serious breach of the Behaviour Policy, or indicating further breaches, a further Suspension or a Permanent Exclusion may be

issued relating to the same incident immediately after the first suspension ends and a further suspension may be issued to begin or a permanent exclusion may be issued to begin immediately after the end of the suspension. Before issuing a further Suspension or Permanent Exclusion the Headteacher should follow the same process set out above, ensuring that the Pupil and their Parents are given the opportunity to respond to the new evidence and taking into account the same questions and considerations.

It is important that during a Suspension pupils still receive their education. Headteachers should take steps to ensure that work is set and marked for pupils during the first five school days of a Suspension. The school's legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support a pupil with a disability or SEN during this period.

Permanent exclusions

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently should only be taken:

- In response to a serious breach or persistent breaches of the school's behavior policy; and
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

For any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers should also be considered.

Permanent exclusions will normally be used only as a last resort when a range of other strategies have been exhausted.

In exceptional circumstances, where a serious breach of the School's Behaviour Policy has occurred, the headteacher might consider it appropriate, having consulted with the CEO/Director of Education and Local Authority statutory services, to permanently exclude a pupil for a first or one-off incident. Such circumstances might include peer on peer abuse so serious that it amounts to criminal behaviour (or would do were the child old enough to have criminal responsibility) and were the child to return to school the other child or children involved could not reasonably be expected to feel safe.

Where a pupil has an EHC plan, the school should contact the local authority about any behavioural concerns at an early stage and consider asking parents to request an early annual review prior to making the decision to suspend or permanently exclude. For those with SEN but without an EHC plan, there should be a review with external specialists of current support arrangements are appropriate and what changes may be required and may result in a request for an EHC assessment or review of current package of support. This communication must be recorded on Bromcom.

A headteacher should, as far as possible, avoid excluding permanently any pupil with an Education and Health Care Plan ("EHCP") or a 'Looked After Pupil'. Before making the decision to permanently exclude a pupil who is a 'Looked After Pupil", the Headteacher must discuss with the appropriate Local Authority Officer the availability of a suitable, alternative appropriate school or provision elsewhere. All looked-after pupils will have a Personal Education Plan (PEP) which should be reviewed every term and any concerns about the pupil's behavior should be recorded on Bromcom.

If the headteacher decides to exclude a pupil permanently they will inform the Local Authority immediately. If the pupil lives outside the Local Authority area in which the school is located the Headteacher will also advise the pupil's 'home authority' of the exclusion without delay.

Informing parents

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents, in person or by telephone in the first instance, as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

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

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or exclusion which must be as recorded on the PIAS form
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the Local Governing Body (LGB) and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the LGB to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend
- That parents have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the pupil is of compulsory school age, the headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

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

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

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information the pupil needs in order to identify the person they should report to on the first day

Written notification can be provided by delivering directly to the parents, leaving it at their usual or last known home address, or posting using recorded delivery to that address. Notices can be given electronically if parents have given written agreement for this kind of notice to be sent in this way. Headteachers should draw attention to relevant sources of free and impartial information.

The headteacher must also notify parents that they must ensure that on the first five school days of an exclusion, the pupil is not present in a public place at any time during school hours. Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.

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

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

Informing the LGB

The headteacher will, without delay, notify the LGB of:

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

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

Informing the local authority (LA)

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

The notification will include:

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

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

The headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

Informing the Chief Executive Officer (CEO)

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

The notification will include:

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

Informing the pupil's social worker and/or Virtual School Head (VSH)

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the headteacher will inform **the social worker** as early as possible
- **Pupil with a social worker** and are the subject of a Child in Need Plan (CHIN) or Child Protection Plan (CP) is at risk of suspension or permanent exclusion the headteacher will inform the social worker and school designated lead (DSL) as early as possible

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

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

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

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupils ability to sit a national curriculum test or public exam (where relevant)
- They have decided to cancel a suspension or permanent exclusion, and why (where relevant)

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

Cancelling suspensions and permanent exclusions

The headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled:

- The headteacher must notify the parents, the governing board, the CEO, the LA and the pupil's social worker and VSH as applicable without delay. The notification must also provide the reason for the cancellation;
- The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement;
- Parents should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- The pupil must be allowed back into the school from which they were excluded without delay.
- Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year.

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

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

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

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

Arrangements of Education of pupils from sixth day of exclusion
For suspension of more than five school days, the LGB (or LA about a pupil suspended from a PRU) must arrange suitable full-time education for any pupil of compulsory school age. Where a pupil receives consecutive suspensions, cumulative period of suspension, of more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is because of one decision or multiple decisions to suspend the pupil for several periods.

The LA must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place. Where the school is in a different local authority area, this will be the pupil's 'home authority'.

Where a pupil has an EHCP, the local authority may review the plan or reassess the child's needs in consultation with parents, with a view to identifying a new placement.

5.2 The Local Governing Board (LGB)
Considering suspensions and permanent exclusions
Responsibilities regarding suspensions and permanent exclusions for each school are delegated to the LGB consisting of at least three governors.

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

Within 14 days of receiving a request, the LGB will provide the Secretary of State with information about any suspensions or exclusions within the last 12 months.

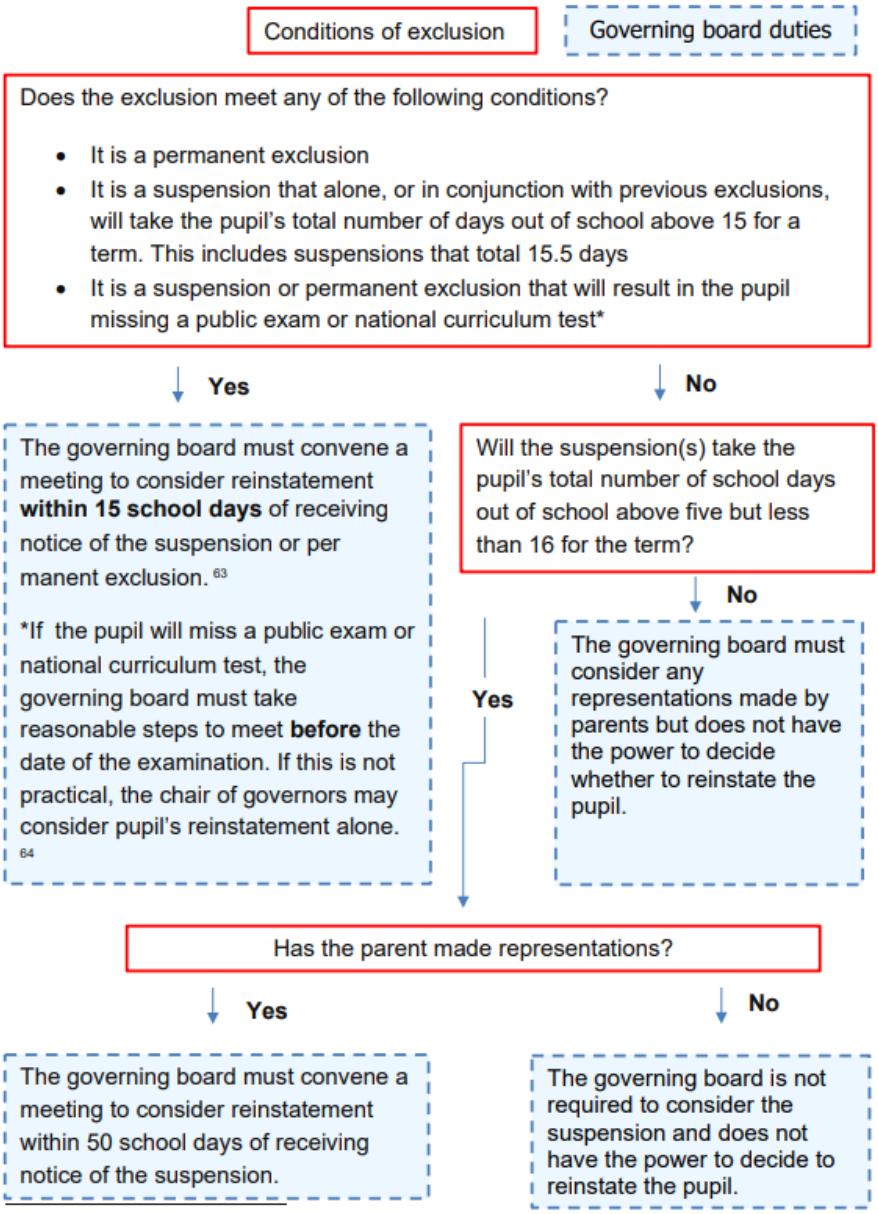
For any suspension of more than five school days, the LGB will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

Monitoring and analysing suspensions and exclusions data
On an ongoing basis, the LGB will review, challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The LGB will consider:

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

A summary of the governing board's duties to consider reinstatement[62]



5.3 The Local Authority (LA)

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

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

6. Considering the reinstatement of a pupil

The LGB panel (who have all completed appropriate training within the last two year) has a duty to consider parents' representations about a suspension or permanent exclusion and will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent

- It is a suspension which would bring the pupil's total number of days out of school to more than 15 in a seasonal term; or
- It would result in a pupil missing a public exam or national curriculum test

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

Where the pupil has been suspended for more than five days, but less than 15 days, in a single term, and the parents make representations to the board, the LGB panel will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or national curriculum test, the LGB panel will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the Chair of the LGB (or vice-chair, if necessary) may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

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

- Parents (and, where requested, a representative or friend)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend), identify steps they will take to enable and encourage excluded pupil to feed in their views by other means
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after where VSH should provide advice, but do not have corporate parental role
- A representative of the local authority – attending as an observer and may only make representations with the LGB consent

LGB meetings can be held remotely at the request of parents. See section 10 for more details on remote access to meetings

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

The LGB panel can either:

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

In reaching a decision, the LGB panel will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair

- Whether the headteacher followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the LGB

They will decide whether or not a fact is true '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'.

The clerk will be present when the decision is made.

Clear minutes must be taken of the meeting by the clerk as a record of evidence that was considered by the LGB. These minutes should be made available to all parties on request and the record of discussion should state clearly how the decisions have been reached.

The LGB will ask all parties, except the clerk, to withdraw from the meeting before make a decision which will consider whether to decision to suspend or permanently exclude the pupil was lawful, reasonable and procedurally fair. They will consider the welfare and safeguarding of the pupil and their peers, the headteacher's legal duties and any evidence that was presented to the LGB in relation to the decision to exclude. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

In light of its consideration, the LGB can either:

- Decline to reinstate the pupil; or
- Direct reinstatement of the pupil immediately or on a particular date

If the pupil has already returned to school following the expiry of a suspension or the parents make clear they do not want their child reinstated, the LGB must still meet to consider whether the pupil should or would have been officially allowed back into school.

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

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

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

- The fact that it is a permanent exclusion and identify relevant sources of free and impartial information to make an informed decision on whether or how to seek a review of the decision
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel (IRP)
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the LGB's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion

- A request to hold the meeting via the use of remote access can be made
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require Aquila to appoint an SEN expert to advise the review panel
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That, if parents believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also that any claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place
- The LGB may provide information by delivering it directly to parents in person or to their last known address or posting in first class mail to that address
- Notice is deemed to have been given on the same day if it is delivered or on the second working day after posting if it is sent by first class mail

7. Independent Review Panel (IRP)

If parents apply for an independent review within the legal timeframe, Aquila will, at their own expense, arrange for an independent panel to review the decision of the LGB not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the LGB Panel of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion. Any applications made outside of this timeframe required by law, will be rejected by the academy trust.

Aquila must not delay or postpone arranging an IRP where parents also make a claim of discrimination in relation to the permanent exclusion to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court.

Parents may request an IRP even if they did not make representations to, or attend, the meeting at which the LGB considered reinstating the pupil.

Aquila Trust must arrange a venue for hearing the review in private unless the LEA directs otherwise.

The IRP can be held remotely at the request of parents. See section 10 for more details on remote access to meetings.

A panel of three or five members (who have all completed appropriate training within the last two years) will be constituted with representatives from each of the categories below. Where a five-member panel is constituted, two members will come from the school governor category and 2 members will come from the headteacher category. At all times during the review process there must be the required representation on the panel.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer

- Current or former school governors who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last five years

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

- Are a Trustee of Aquila
- Are the headteacher of the excluding school, or have held this position in the last five years
- Are an employee of the Aquila or the LGB, of the excluding school (unless they are employed as a Head Teacher at another school)
- Have, or at any time have had, any connection with Aquila, the school, the LGB, the parents or the pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality (though an individual must not be taken to have such a connection simply because they are employed by Aquila as a headteacher at another school)
- Have not had the required training within the last two years (see appendix 1 for what training must cover)

In relation to panel members, travel will be paid though Aquila expenses processes and in line with expenses policy.

Arrangements to indemnify panel members against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review which are taken in good faith, are through the Risk Protection Arrangement (RPA).

Care will be taken to avoid bias or an appearance of bias. The LA/Trust should request that prospective panel members must declare any conflict of interest at the earliest opportunity.

DfE Guidance paragraph 166 states that panel members who are governors or headteachers should reflect the phase of education (primary) and type of school from which the pupil was permanently excluded, for example in an academy school.

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

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

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

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

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

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

- Uphold the LGB's decision
- Recommend that the LGB reconsiders reinstatement

- Quash the LGB's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

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

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

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

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

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

This notification will include:

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

8. School registers

A pupil's name will be removed from the school admission register if:

- 15 school days have passed since the parents were notified of the LGB Panels decision to not reinstate the pupil and no application has been made for an IRP, or
- The parents have stated in writing that they will not be applying for an IRP

Where an application for an independent review has been made within 15 school days, the school must wait until that review has been determined or abandoned and until the LGB has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register.

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

The school cannot backdate the deletion of the pupil's name to the date the pupil's exclusion began.

Once the pupil's name has been deleted from the admission register and the pupil has been registered at a new school, the common transfer file should be transferred within 15 school days of the pupil ceasing to be registered at the school.

If appropriate, the DSL should ensure any child protection file is transferred separately from the main pupil file to the new school as soon as possible and within five days for an in year transfer or within the first five days of the start of a new term. A confirmation receipt should be obtained.

Making a return to the LA

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

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

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

9. Returning from a suspension

9.1 Reintegration strategy

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

The school will support pupils to reintegrate successfully into school life and full-time education following a suspension (this may also be after a cancelled exclusion) or period of off-site direction. The reintegration strategy will support the pupil with a fresh start; help them to understand the effect of their behavior on themselves and others; teach them how to meet the high expectations of behavior in line with the school culture; foster a renewed sense of belonging within the school community and build engagement with learning.

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

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

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Daily contact in school with a designated pastoral professional
- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents and staff of potential external support

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary, with formal arrangements in place for regularly reviewing a part-time timetable with the pupils and parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and must take the appropriate steps for a leave of absence.

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

9.2 Reintegration meetings

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

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

The meeting can proceed without the parents in the event that they cannot or do not attend. The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

10. Remote access to meetings

Parents can request that the LGB meeting, or independent review panel be held remotely. If the parents don't express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remote accessed meetings are subject to the same procedural requirements as in-person meetings.

The LGB and Aquila should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology that will allow them to hear, speak, see and be seen
- All participants will be able to participate fully
- The remove meeting can be held fairly and transparently

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person, or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently

11. Monitoring arrangements

The school and Aquila will collect data on the following:

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

The data will be analysed every term by deputy head (DHT) and/or Designated Safeguard Lead (DSL) who will report back to the headteacher who in turn reports termly to the LGB.

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By time of day/week/term
- By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

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

This policy will be reviewed every two years.

12. Links with other policies

This exclusions policy is linked to our:

- Behaviour policy
- SEN policy and information report

Appendix 1: Independent Review Panel Training

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

Training must have covered:

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