

Lady Mannors School

Suspension and Exclusion of Students Policy

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Through our shared school values, we aim for all students to thrive, feel included and aspire to grow as individuals who contribute to society with empathy, integrity and positivity.

This document will be reviewed annually by the Curriculum and Students Committee and the Governing Board, and sooner when significant changes are made to the law.

Guidance from the Department for Education about school policies can be found here: <https://www.gov.uk/guidance/governance-in-maintained-schools/statutory-policies-for-maintained-schools>

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EQUALITIES STATEMENT OF INTENT

Lady Manners School welcomes a diverse population of both students and staff. In order to consolidate and build upon this diversity, equality of opportunity and the absence of unfair discrimination is at the core of all the school's activities. The school will not unfairly discriminate in the recruitment or general treatment of staff or students.

The school is committed to promoting and developing equality of opportunity in all its functions and will seek to do this by:

communicating its commitment to equality and diversity to all members of the school community;
 maintaining systems for implementation, monitoring, evaluation and review;
 treating acts of discrimination and other contraventions of this policy as a disciplinary offence.

The Governing Board has responsibility for ensuring that the school operates within the legal framework for equality and for implementing the policy throughout the school. In addition, each member of the school community is responsible for preventing unfair discrimination or harassment or victimisation which it is within their control to prevent; and challenging or reporting such inappropriate behaviour if it occurs.

1. AIMS

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

Lady Manners School aims to:

- Make sure that the exclusions process is applied fairly and consistently

- Help governors, staff, parents, carers and students understand the exclusions process
- Make sure that students in school are safe and happy
- Prevent students from becoming NEET (not in education, employment or training)
- Make sure all suspensions and permanent exclusions are carried out lawfully

'Off-rolling'

'Off-rolling' is a form of gaming and occurs where a school decides, in the interests of the school and not the student, to:

- Remove a student from the school admission register without a formal, permanent exclusion, or
- Encourage a parent or carer to remove their child from the school, or
- Encourage a sixth-form student not to continue with their course of study, or
- Retain a student on the school admission register but not allow them to attend the school normally, without a formal permanent exclusion or suspension

Accordingly, we will not suspend or exclude a student unlawfully by telling or forcing them to leave, encouraging their parent(s)/carer(s) to remove them from the school, or not allowing them to attend school without following the statutory procedure contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event.

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

- Because a student has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a student's poor academic performance, or
- Because the student has not met a specific condition, such as attending a reintegration meeting

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

2. LEGISLATION AND STATUTORY GUIDANCE

This policy is based on statutory guidance from the Department for Education (DfE): [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#).

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

- 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'

3. DEFINITIONS

The use of the term 'suspend' in this policy is a reference to what is described in the legislation as an exclusion for a fixed period.

3.1 Suspension

- A suspension, where a student is removed from the school for a fixed period, is an essential behaviour management tool that should be set out within a school's behaviour policy.
- A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.
- A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a student that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a student, the Headteacher will consider whether suspension alone is an effective sanction for the student and whether additional strategies need to be put in place to address behaviour.
- During a suspension, students will still receive their education. The Headteacher will take steps to ensure that work is set and marked for students during the first five school days of a suspension. This can include utilising any online pathways such as Google Classroom or Oak National Academy.
- The school's legal duties to students with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled students during this period. Any time a student is sent home due to disciplinary reasons and asked to log on or utilise online pathways should always be recorded as a suspension.
- A suspension can also be for parts of the school day. For example, if a student'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 and carers, 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 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.

3.2 Permanent Exclusion

- A permanent exclusion is when a student is no longer allowed to attend a school (unless the student is reinstated). The decision to exclude a student permanently should only be taken:
 - in response to a serious breach or persistent breaches of the school's behaviour policy; and
 - where allowing the student to remain in school would seriously harm the education or welfare of the student or others such as staff or students in the school.
- For any permanent exclusion, the Headteachers should take reasonable steps to ensure that work is set and marked for students during the first five school days where the student will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a student's social worker) should also be considered.

3.3 Off-site Direction

- When a Governing Board requires a student to attend another education setting temporarily, to improve their behaviour.

3.4 Managed Move

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

4. PRINCIPLES

- 4.1 Lady Manners School is an inclusive community comprehensive school and does not seek to suspend or permanently exclude students from education.
- 4.2 There is a 'Code of Conduct' for students and school rules are derived from the spirit of that 'Code of Conduct'. The 'Code of Conduct' is part of Governors' documentation as an appendix to the Behaviour for Learning Policy. It is

widely available to students, parents, carers and staff and can also be found on the school website.

- 4.3 Suspension will not be used as the response to every form of serious behavioural difficulty. When student disruption occurs, staff will intervene promptly in order to keep students in school wherever possible and so avoiding the sanction of suspension, particularly permanent exclusion.
- 4.4 The Headteacher will take the decision to temporarily or permanently exclude having considered all available evidence. The decision can be based on a 'balance of probability' when absolute proof is unavailable.

5. AVOIDING SUSPENSION

Staff at Lady Manners School take reasonable steps to avoid suspension. These steps can include:

- implementing and monitoring the Behaviour for Learning Policy
- arranging staff training in behaviour management strategies and helping staff to develop their skills and professional expertise
- engaging support and involvement from parents and carers - this can include negotiated agreements which avoid suspension
- the use of appropriate outside support agencies providing support through a Pastoral Support Plan (PSP), the Special Educational Needs Code of Practice and through the use of the Common Assessment Framework (CAF)
- managing changes to educational provision and placements - this could include a change of class or lesson, or the provision of an element of appropriate work experience
- linking with neighbourhood schools for the possibility of managed moves or deferred transfers
- providing facilities and capacity for internal, supervised work when deemed appropriate
- using other school strategies like counselling, detention, removal from particular activities, placing on-report, disciplinary warnings or meetings

6. OTHER REMOVAL FROM THE SCHOOL SITE

There are other circumstances in which individual students can be removed from the school site. The following circumstances are not suspensions.

- 6.1 Where a student is accused of a serious criminal offence but the offence took place outside the school's jurisdiction or in circumstances when the school is not allowed to gather evidence. In these circumstances the Headteacher may decide that it is in the interests of the individual concerned and of the school community as a whole for that student to be educated off site for a certain period, subject to review at regular intervals. In these circumstances, the Headteacher can authorise leave of absence if parental consent is granted. If parental consent is not granted, then the Headteacher can use delegated powers from the governors to provide for the education of the student elsewhere, if such provision is available. This type of authorised leave of absence should be ended as soon as possible, and if a future suspension

regarding the linked circumstances is a possibility, then the parents and carers should be informed at the outset.

- 6.2 Where, for medical reasons, a student's presence on the school site represents a serious risk to health or safety the Headteacher may send the student home after consultation with the student's parents and carers and a health professional, if available. This can often be in circumstances when a student has a notifiable disease or some other health situation that poses a risk. It might also apply if there are social, mental or emotional well-being considerations that temporarily emerge and have an impact on the immediate capacity of the student to cope in the school environment. In such situations the school records this as an authorised absence.
- 6.3 A student can be given permission by the Headteacher to leave school to remedy breaches of the school's rules on appearance or uniform, where this can be done quickly and easily. When making this decision, the child's age and vulnerability must be considered. If the process of changing appearance takes any significant time then it should be recorded as an absence. This absence should be authorised unless the circumstances apply regularly to the student concerned, when it can be an unauthorised absence.
- 6.4 If a condition applies to a student that they can only be allowed onto the school site once they have been screened for offensive weapons, then they can be refused entry that day if they refuse to undergo screening. This is not a suspension but counts as an unauthorised absence.

7. APPROPRIATENESS OF SUSPENSION AS A SANCTION

The Headteacher will seek to ensure that any punishment is appropriate to the offence. In determining the need and duration of any suspension, the Headteacher will take into account a range of relevant and potentially influential factors including:

- previous record;
- special circumstances (e.g. domestic problems);
- special educational needs;
- contribution of peer group pressure to the problem;
- severity of the behaviour, frequency of occurrence and likelihood of recurrence;
- effect on the functioning of the students and other students and the school in general;
- location of the offence, whether on school premises or beyond;
- presence or otherwise of staff when the offence was committed;
- group influence;
- effect of previous disciplinary sanctions;
- age and health of student;
- safety implications;
- likely effectiveness of support agencies

This list is not exhaustive and the circumstances of vulnerable students will be considered carefully, although the general needs of the school and of other children could well mean that a suspension is still the sanction which is applied.

Staff at Lady Manners School take care to ensure that disciplinary procedures are applied objectively and consistently across all students and cultural groups.

8. ROLE OF THE HEADTEACHER

Deciding whether to suspend or exclude

Only the Headteacher, or acting Headteacher, can suspend or permanently exclude a student from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The Headteacher will only use permanent exclusion as a last resort.

A decision to suspend a student will be taken only:

- In accordance with the school's behaviour policy
- To provide a clear signal of what is unacceptable behaviour
- To show a student 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 behaviour issues.

A decision to exclude a student will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a student, the Headteacher will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion was/were provoked
- Allow the student to give their version of events
- Consider whether the student has special educational needs (SEN)
- Consider whether the student is especially vulnerable (e.g. the student 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 will consider the views of the student, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

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

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

Informing parents/carers (or the student where they are 18 or older)

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

If the Headteacher decides to suspend or exclude a student, the parents/carers/student will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about the parents'/carers'/student's right to make representations about the suspension or permanent exclusion to the Governing Board and, where the student is attending alongside parents/carers, how they may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Governing Board to hold a meeting to consider the reinstatement of a student, and that parents/carers/the student have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That parents/carers/the student have the right to request that the meetings be held remotely, and how and to whom they should make this request

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

- For the first 5 school days of the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents/carers 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/carers 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 student needs in order to identify the person they should report to on the first day

If the Headteacher does not have 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'/carers' consent.

If the Headteacher cancels the suspension or permanent exclusion, they will notify the parents/carers/student without delay, and provide a reason for the cancellation.

Informing the Governing Board

The Headteacher will, without delay, notify the Chair of Governors of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a student
- Any suspension or permanent exclusion that would result in the student 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 that would result in the student missing a National Curriculum test or public exam
- Any suspension or permanent exclusion that has been cancelled, including the reason 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 student lives outside the LA in which the school is located, the Headteacher will also, without delay, inform the student'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 student's social worker and/or virtual school head (VSH)

If a:

- **Student with a social worker** is at risk of suspension or permanent exclusion, the Headteacher will inform **the social worker** as early as possible
- **Student 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 so they can work together to consider what factors may be affecting the student'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 student with a social worker/a student who is looked after, they will inform the student's social worker/the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the student
- 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 student's 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 governing board about the suspension or permanent exclusion. This is so they can provide advice on how the student'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 student's welfare are taken into account.

Cancelling suspensions and permanent exclusions

The Headteacher may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the Governing Board. Where there is a cancellation:

- The parents/carers (or the student if they are 18 or older), Governing Board and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- The notification must provide the reason for the cancellation
- The Governing Board's duty to hold a meeting and consider reinstatement ceases
- Parents/carers (or the student if they are 18 or older) will be offered the opportunity to meet with the Headteacher to discuss the cancellation, which will be arranged without delay
- The student will be allowed back in school 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 student 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 5 days of a suspension or exclusion

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

If the student 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 student, including the use of online pathways.

9. ROLE OF THE GOVERNING BOARD

Considering suspensions and permanent exclusions

Responsibilities regarding suspensions and permanent exclusions are delegated to The Disciplinary Committee consisting of at least 3 governors.

The Disciplinary Committee has a duty to consider parents'/carers'/the student's (if they are 18 or older) representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded student (see sections 10 and 11) in certain circumstances.

The Governing Board has a duty to consider parents'/carers'/the student's (if they are 18 or older) representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded student (see sections 10 and 11) in certain circumstances.

Within 14 days of receiving a request, the Governing Board will provide the secretary of state and the LA or student referral unit (PRU) with information about any suspensions or exclusions within the last 12 months.

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

The Governing Board does not have to arrange such provision for students in their final year of compulsory education who do not have any further public exams to sit.

Monitoring and analysing suspensions and exclusions data

The Governing Board 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 Governing Board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where students receive repeat suspensions
- Interventions in place to support students 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
- The timing of moves and permanent exclusions, and whether there are any patterns, including any indications that may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded students, and whether students who share any particular characteristic are suspended or excluded more than others
- Whether the placements of students directed off-site into alternative provision are reviewed at sufficient intervals to assure the school that the education is achieving its objectives and that students are benefiting from it
- The cost implications of directing students off-site

10. THE ROLE OF 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 students who are looked after or have social workers, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

11. CONSIDERING THE REINSTATEMENT OF A STUDENT

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

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

Where the student has been suspended, and the suspension does not bring the student's total number of days of suspension to more than 5 in a term, the Governing Board must consider any representations made by parents and carers. However, it

is not required to arrange a meeting with parents and carers and it cannot direct the Headteacher to reinstate the student.

Where the student has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents and carers make representations to the Governing Board, the Governing Board will consider and decide on the reinstatement of a suspended student within 50 school days of receiving notice of the suspension. If the parents and carers do not make representations, the Governing Board is not required to meet and it cannot direct the Headteacher to reinstate the student.

Where a suspension or permanent exclusion would result in a student missing a public exam or National Curriculum test, the Governing Board will, as far as reasonably practicable, consider and decide on the reinstatement of the student before the date of the exam or test. If this is not practicable, the Chair of the Governing Board (or the Vice-Chair, if necessary) may consider the suspension or permanent exclusion and decide whether or not to reinstate the student.

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

- Parent and /carers (and, where requested, a representative or friend)
- The student, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The Headteacher
- The student's social worker, if they have one
- The VSH, if the student is looked after
- A representative of the Local Authority

The meeting can be held remotely at the request of parents and carers. See section 15 for more details on remote access to meetings.

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

The Governing Board can either:

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

In reaching a decision, the Governing Board will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the Headteacher followed their legal duties
- The welfare and safeguarding of the student and their peers
- Any evidence that was presented to the Governing Board

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

The Clerk to Governors will be present when the decision is made.

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

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

- The parents and carers
- The Headteacher
- The student's social worker, if they have one
- The VSH, if the student is looked after
- The Local Authority
- The student's home authority, if it differs from the school's

Where an exclusion is permanent and the Governing Board has decided not to reinstate the student, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents' and carers' right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the Governing Board's decision is given to parents and carers)
- 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 student's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded student has recognised SEN, parents and carers have a right to require the Local Authority 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 and carers for this appointment
- That parents and carers must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents and carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents and carers may also bring a friend to the review
- That, if parents and carers believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also, that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

12. INDEPENDENT REVIEW

If parents and carers apply for an independent review within the legal timeframe, the Local Authority will, at their own expense, arrange for an independent panel to review the decision of the Governing Board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents and carers by the Governing Board of its decision to not reinstate the student **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 will be rejected.

Independent reviews can be held remotely at the request of parents and carers. See section 15 for more details on remote access to meetings.

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

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

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

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

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

Taking into account the student's age and understanding, the student or their parents and carers will be made aware of their right to attend and participate in the review meeting and the student 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 student'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 student's experiences, needs, safeguarding risks and/or welfare may be relevant to the student's permanent exclusion.

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

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

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

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

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

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

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

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

This notification will include:

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

13. SCHOOL REGISTERS

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

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

Where an application for an independent review has been made within 15 school days, the Governing Board will wait until that review has concluded before removing a student's name from the register.

While the student's name remains on the school's admission register, the student's attendance will still be recorded appropriately. Where alternative provision (of an approved educational activity that does not involve the student being registered at any other school) has been made for an excluded student and they attend it, code B (education off-site) will be used on the attendance register. During off-site direction to another school or educational establishment, code D (dual registration) will be used.

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

13.1 Making a return to the LA

Where a student'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 student's full name
- The full name and address of any parent and carer with whom the student normally resides
- At least 1 telephone number at which any parent and carer with whom the student 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 student will attend, including the name of that school and the first date when the student attended or is due to attend there, if the parents/carers have told the school the student is moving to another school
- Details of the student's new address, including the new address, the name of the parent/carers the student is going to live there with, and the date when the student is going to start living there, if the parents/carers have informed the school that the student 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 student's name.

14. RETURNING FROM A SUSPENSION

14.1 Reintegration Strategy

Following suspension, or cancelled suspension or exclusion, the school will put in place a strategy to help the student reintegrate successfully into school life and full-time education. This will include a reintegration meeting with a senior member of staff, parents and carers and the student. A record of the meeting will be taken and added to the school record of the student. A letter confirming the points agreed at the reintegration meeting will be sent to parents and carers.

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

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

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

14.2 Reintegration meetings

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

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

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

The school expects all returning students and their parents/carers to attend their reintegration meeting, but students who do not attend will not be prevented from returning to the classroom.

15. REMOTE ACCESS TO MEETINGS

Parents/carers can request that a Governing Board meeting, or independent review panel be held remotely. If the parents/carers do not 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.

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

The Governing Board and LA 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 the participants will be able participate fully
- The remote 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

16. MONITORING ARRANGEMENTS

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units (PRUs), off-site directions and managed moves

The data will be reported to each Governing Board meeting.

The school will use the data to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of students are identified from the data, the school will review its policies in order to address arising issues.

This policy will be reviewed by the Headteacher annually. At every review, the policy will be approved by the Curriculum and Students Committee.

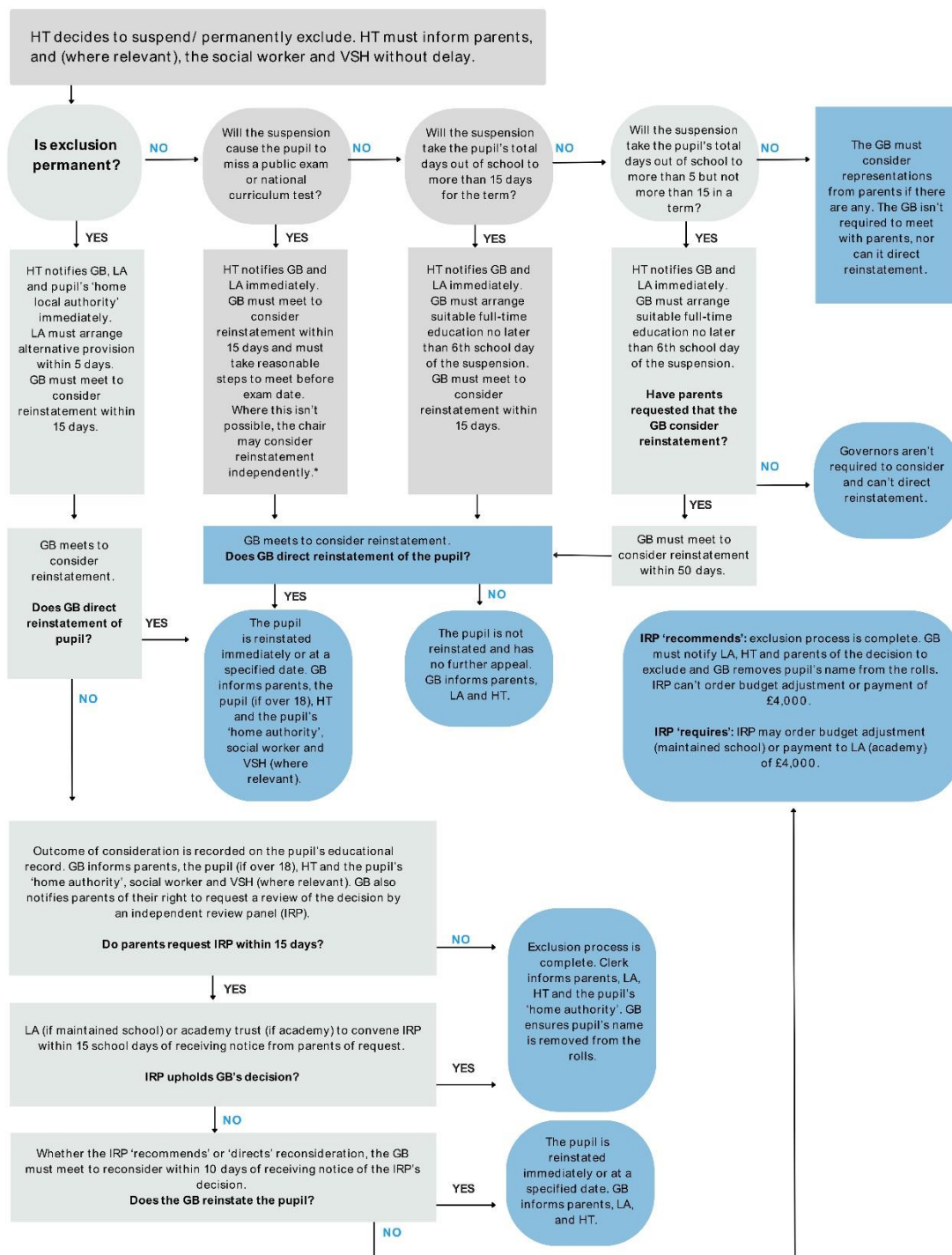
APPENDIX 1**Additional Information Regarding Exclusion and Suspension Procedures**

1. On the day of the suspension, parents and carers will be contacted, normally by telephone, to inform them about the suspension. Fixed term suspensions can range from occasionally just a lunchtime or half a day (lunchtime suspensions are recorded as half day suspensions) up to a maximum of 45 days in any one school year.
2. The suspension will then be confirmed by letter which will be sent by email within one school day of the suspension. This letter will include information about why the suspension has been necessary; the length of the suspension; the parental right to make representations to the Governing Board if they feel that the school has acted unreasonably and unfairly; and contact details of where they can gain advice.
3. The school will inform the Local Authority and governors about all suspensions. There is no obligation to inform governors or the Local Authority about fixed term suspensions of 5 days or less immediately, as long as they are reported at least once per term. For longer suspensions, the Headteacher must inform the governors and Local Authority within one working day.
4. For suspensions between 1 and 5 school days, students will access work via Myvle. Work will also be accessed via Moodle in the case of permanent exclusions, but only for the first 5 days of the exclusion. Parents and carers are expected to ensure that the work is submitted to school.
5. For the first 5 school days of a suspension parents and carers must ensure that their child is not present in any public place during normal school hours without reasonable justification. This requirement applies whether or not the student is in the company of the parent or carer. Failure to comply is an offence and has serious consequences including fines (starting as a £50 penalty notice) and can include prosecution. The child is also likely to be removed from the public place by the police and taken to designated premises.
6. If a fixed term suspension extends to a sixth day and beyond, educational provision elsewhere will be provided. This provision will continue until the child is readmitted to school.
7. Parents and carers may send in representations to the Governing Board if they feel that their child has been treated unfairly and the Headteacher has acted unreasonably. The representations would normally be considered by a committee comprised of three governors.
8. If the suspension is for 5 days or less, then the governors can consider the representations at any time. There are no statutory time limits. In such cases there is no requirement to hold any sort of meeting with parents and carers and the governors have no authority to change the decision taken by the Headteacher.
9. If the suspension is for more than 5 days in any one Derbyshire term (six terms per year) but not more than 15 days in one Derbyshire term, then the parents and carers can request a meeting with governors. If requested, this meeting will be held at some time by the 50th school day after governors have been notified of the suspension. In

these situations, the governors are allowed to decide whether they feel that the Headteacher has acted reasonably and whether to uphold the decision to suspend. Governors can decide to reinstate the student if the suspension is still continuing, but if it is not then they can place a note on the student's records to indicate that they would have reinstated the student had the suspension still been in place. Governors cannot choose to increase the length of the suspension or change a fixed term suspension into a permanent exclusion. The Local Authority can be asked to send a representative to advise the governors at such meetings, but they are not obliged to provide this support.

10. For any fixed term suspension there will generally be a reintegration interview and this will be particularly important. For any fixed term suspension there will be a reintegration interview with parents and carers during or following the suspension. Whenever possible, this should be held on the day that the student returns to school, but this may not be possible. The meeting takes place on the school premises and is normally conducted by the Headteacher or another senior member of staff. The student should be present for at least part of the meeting and at least one of the student's parents or carers is expected to attend. If parents or carers fail to attend then this can be reported to the magistrates' court with regard to imposing a parenting order. Minutes of this meeting will be taken and placed on the student's file.
11. If parents and carers generally fail to engage with the school or Local Authority in attempting to improve their child's behaviour, and misbehaviour does continue to occur, then this can also be reported to the magistrates' court for a parenting order. This order compels parents and carers to comply with certain standards, including compulsory attendance at parenting classes. The kind of misbehaviour that can trigger a parenting order is behaviour that has, or could have, resulted in suspension.

Exclusions process flowchart



* The chair's power applies only to maintained schools. If you're an academy, check your articles of association.

HT = headteacher LA = local authority GB = governing board VSH = virtual school head
Days = school days Within x days = of receiving notice (either of exclusion or outcome)