

Longcause Community Special School

EXCLUSIONS POLICY

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Contents

1. Aims
2. What legislation relates to this guidance
3. The headteacher's powers to use exclusion
4. Suspension
5. Permanent exclusion
6. Cancelling exclusions
7. Setting a clear process for exclusions
8. Off-rolling and unlawful exclusions
9. Off Site direction
10. Managed moves
11. Reintegration after a suspension or off-site direction
12. Duty to inform parents about an exclusion
13. Informing parents about an exclusion
14. Informing social workers and Virtual School Heads (VSH)
15. Informing the governing board about an exclusion
16. Informing the local authority about an exclusion
17. Guidance to the headteacher on informing the governing board about an exclusion
18. The governing board
19. The LA
20. An independent review
21. Requests for remote access meetings for governing boards or IRPs.
22. Considering the reinstatement of a pupil
23. School registers
24. Monitoring arrangements
25. Links with other policies

This policy includes information from the DfE statutory guidance: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement.

Guidance for maintained schools, academies, and pupil referral units in England. September 2022

Previous changes: Please note: The DfE has changed the term 'Fixed Term Exclusion' (FTE) to 'Suspension' from September 1st 2021. **October 2022:** Policy re-written to reflect most recent changes in Suspensions and Exclusions Guidance (DFE, 2022)

July 2023: Changes made to cancellation of exclusions (including exclusions that have not yet begun) and a section on requests for remote access meetings from Suspensions and Exclusions Guidance (DFE, May 2023)

1.Aims

Our school aims to ensure that:

- The suspension/exclusion process is applied fairly and consistently with pupils' individual needs taken into consideration.
- The suspension/exclusion process is understood by governors, staff and parents. Where appropriate (based on the child's communication, cognition needs, age and understanding), efforts will be made to help pupils to understand the suspension/exclusion process.
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

2.What legislation relates to this guidance?

The principal legislation to which this guidance relates is:

- the Education Act 2002, as amended by the Education Act 2011;
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- the Education and Inspections Act 2006;
- the Education Act 1996; and
- 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.

3.The headteacher's powers to use exclusion

- Only the headteacher of a school can suspend or permanently exclude a pupil on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.
- The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion:
 - Physical assault against a pupil
 - Physical assault against an adult
 - Verbal abuse or threatening behaviour against a pupil
 - Verbal abuse or threatening behaviour against an adult
 - Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
 - Bullying
 - Racist abuse
 - Abuse against sexual orientation or gender reassignment
 - Abuse relating to disability

Up to three reasons can be recorded for each suspension or permanent exclusion (where applicable).

- A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, 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. Where appropriate (based on the child's communication, cognition needs, age and understanding), pupils will be taught in an assembly (every year) that their actions outside of school could impact on their school placement. This will also be shared with parents who will also have the responsibility to support their child's understanding of this.
- 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 that it did not happen. The headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.
- Headteachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil should be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. Whilst an exclusion may still be an appropriate sanction, the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider paragraph 45 of the Behaviour in Schools guidance.
- In regards to any suspensions or exclusions, the headteacher will continue their statutory duty to make arrangements for safeguarding and promoting the welfare of their pupils as detailed in 'Keeping Children Safe in Education'.

4. Suspension

- A suspension, where a pupil is temporarily removed from the school, is an essential behaviour management tool that should be set out within a school's behaviour policy. Although suspension and exclusion is not used as a form of punishment at Longcause, we understand that this is sometimes necessary to minimise risk, to set boundaries and to seek family support. We also recognise that many of our pupils will regulate with the support from a key caregiver when extremely dysregulated.
- A pupil 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/expected behaviour as part of the school's behaviour policy and show a pupil that their current

behaviour is putting them at risk of permanent exclusion. 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.

- 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. This can include utilising any online pathways such as Google Classroom or Oak National Academy.
- 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 disabled pupils during this period. Any time a pupil 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 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 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.

5. Permanent exclusion

- 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 behaviour 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 (such as a pupil's social worker) should also be considered. Section 4 provides further guidance on utilising online pathways and the potential significance of SEND law.

6. Cancelling exclusions

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

- Parents, the governing board, and the LA (and if relevant, the social worker and VSH) should be notified (by letter) of the cancellation and the reason for cancellation without delay.
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- Longcause report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
- The pupil should be allowed back into school. 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).

7. Setting a clear process for exclusions

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

- adopting a reliable method for monitoring the 45 day suspension rule, including suspensions received from other schools;
- ensuring there is a formal process for informing parents, social worker (where relevant), governing board and local authority, clearly setting out all reasons for the exclusion;
- providing up-to-date links to sources of impartial advice for parents;
- reintegrating suspended or permanently excluded pupils and supporting pupils' future behaviour;
- ensuring a formal process for arranging, at short notice, suitable full-time alternative education for pupils receiving suspensions over five school days.

8. Off-rolling and unlawful exclusions

- Telling or forcing a pupil to leave school, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave school, or forbidden from attending 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 relevant parts of this guidance.
- Suspending a pupil for a short period of time, such as half a day, is permissible, however, the formal suspension process must be followed. Each disciplinary suspension and permanent exclusion must be confirmed to the parents in writing with notice of the reasons for the suspension or permanent exclusion.
- Any exclusion of a pupil, even for short periods, must be formally recorded. It would also be unlawful to exclude a pupil simply because they have SEN or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.
- If any of these unlawful exclusions are carried out and lead to the deletion of a pupil's name from the register, this is known as 'off-rolling'. An informal or unofficial exclusion, such as

sending a pupil home 'to cool off', is unlawful when it does not follow the formal school exclusion process and regardless of whether it occurs with the agreement of parents.

- A further example of off-rolling would be exercising undue influence over a parent to remove their child from the school under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or to find another school place.
- If a parent feels pressured into electively home educating their child or that the suspension or permanent exclusion procedures have not been followed, they can follow the school's complaints procedure.

9. Off-site direction

Off-site direction is when a governing board of a maintained school requires a pupil to attend another education setting to improve their behaviour.

Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction should be used to arrange time-limited placements at an Alternative Provision (AP). During the off-site direction to another school, pupils must be dual registered. A proposed maximum period of time should be discussed and agreed upon as part of the planning phase for an off-site direction. As part of planning, alternative options should be considered once the time limit has been reached. The length of time a pupil spends in another AP will depend on what best supports the pupil's needs and potential improvement in behaviour.

When using Alternative Provisions, we will comply with the following regulations and guidance:

- The Education (Educational Provision for Improving Behaviour) Regulations 2010
- Alternative Provision: Statutory guidance for local authorities, headteachers and governing bodies in the event of using Alternative Provision to meet pupil needs.

10. Managed moves

A managed move is used to initiate a process which leads to the transfer of a pupil to another school permanently. Managed moves 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. Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the local authority, both schools and parents are in agreement that there should be a managed move, the local authority will need to follow the statutory procedures for amending a plan.

DfE guidance will be followed in the event of a managed move taking place.

11. Reintegration after a suspension or off-site direction

- Longcause will support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction. They should design a reintegration strategy that offers the pupil a fresh start; helps them understand the impact of their behaviour on themselves and others; teaches them to how meet the high

expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.

- The reintegration strategy will be clearly communicated before the pupil's return to school.

Reintegration strategies may include:

- A conversation with the family when the pupil is collected (stating expectations for their return, that they are valued/wanted in school, explaining changes that might be made for their return).
 - A phone call from SLT to the family to discuss the event and strategy for moving forward.
 - A reintegration meeting with the family and pupil if appropriate.
 - Team meetings and debriefs that discuss changes that need to be made to environment, staffing, timetable etc.
 - Creating/reviewing risk behaviour plan
 - Support for the pupil on their return to school including check ins from SLT.
- Where possible, reintegration meetings should include the pupil's parents. However, it is important to note that a pupil should not be prevented from returning if parents are unable or unwilling to attend a reintegration meeting. To ensure ongoing progress, the strategy should be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.
 - Where necessary, schools should work with relevant staff and multi-agency organisations, such as teachers, the family team, social workers, educational psychologists or the safer schools team, to meet the pupils' SEND and/or health needs.
 - Part-time timetables will only be used for the shortest time possible. A time limit will be agreed for when the pupil will return full time. Part-time timetables will be reviewed regularly with parents and pupils where appropriate.

12. Duty to inform parents about an exclusion

- Whenever a headteacher suspends or permanently excludes a pupil they must, without delay, notify parents of the period of the suspension or permanent exclusion and the reason(s) for it.
- They must also, without delay, after their decision, provide parents with the following information in writing:
 - the reason(s) for the suspension or permanent exclusion;
 - the period of a suspension or, for a permanent exclusion, the fact that it is permanent;
 - parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this; how any representations should be made; and where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents or a pupil if they are 18 years old have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.
 - parent' right to make a request to hold the meeting via the use of remote access and how and to whom to make this request.

- Written notification of the information above can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.
- Where a suspended or permanently excluded pupil is of compulsory school age, the headteacher must also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours.
- These days are the first five school days of a suspension or permanent exclusion (or until the start date of any full-time alternative provision or the end of the suspension where this is earlier). 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. The headteacher must notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session on the first day of the suspension or permanent exclusion.
- If alternative provision is being arranged, then the following information must be included with this notice where it can reasonably be found out within the timescale:
 - the start date for any provision of full-time education that has been arranged for the child during the suspension or permanent exclusion;
 - 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; and any information required by the pupil to identify the person they should report to on the first day.
- Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session on the first day of the suspension or permanent exclusion, it may be provided in a subsequent notice, but it must be provided 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 information can be provided with less than 48 hours' notice with parents' consent.

13. Informing social workers and Virtual School Heads (VSH)

Where pupils who have a social worker (including looked-after children, previously looked-after children and pupils with a Child in Need or Child Protection Plan) are at risk of suspension or permanent exclusion, the headteacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations.

Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority's VSH as soon as possible. The VSH, working with the DT and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion.

Where relevant, the school should also engage with a child's social worker, foster carers, or children's home workers. All looked-after children should have a Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan. This should be reviewed every term and any concerns about the pupil's behaviour should be recorded, as well as how the pupil is being supported to improve their behaviour and reduce the likelihood of exclusion. Monitoring of PEPs can be an effective way for VSHs to check on this.

14. Informing parents about an exclusion

- For notifications, although this must not delay notification, notification should be in person or by telephone in the first instance as this would allow parents to ask any initial questions or raise concerns directly with the headteacher. Headteachers should consider the following:
 - Has the school spoken to the parents (and when appropriate, the child's social worker) to ensure they fully understand the type/scale of the incident?
 - Has the school considered how to communicate accessibly and clearly, including whether parents may have particular communication needs relating to a disability or having English as an additional language (EAL)?
 - Has the school provided sufficient details in the suspension or permanent exclusion notice letter on the reasons for the suspension or permanent exclusion?
 - Does the notice contain all the required information as set out in part six of the suspension and permanent exclusion guidance?
 - Has the school informed parents (and when appropriate, the pupil's social worker or the local authority if a pupil has an EHCP) whether their pupil will be able to sit any national curriculum test(s) or public examination(s) occurring during the suspension or permanent exclusion?
 - When several suspensions have been issued in a term, has the school informed parents of their right of representation to the governing board?
- When notifying parents about a suspension or permanent exclusion, the headteacher should set out what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to school.
- When notifying parents about a suspension or permanent exclusion, the headteacher should draw attention to relevant sources of free and impartial information. This information should include:
 - Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
 - ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
 - Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
 - SEN Information Advice & Support Services Network (formerly known as the local parent partnership)

15. Informing the governing board about an exclusion

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

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
- any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.

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

16. Informing the local authority about an exclusion

- The local authority must be informed without delay of all school exclusions regardless of the length of the exclusion.
- For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the headteacher must also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay. The headteacher must also inform the governing board once per term of any other suspensions of which they have not previously been notified.
- Notifications must include the reason(s) for the suspension or permanent exclusion and the duration of any suspension or, in the case of a permanent exclusion the fact that it is permanent.
- The local authority may reasonably wish to request this information in a standardised format. In doing so, they should take care to minimise the administrative burden this places on schools.

17. Guidance to the headteacher on informing the governing board about an exclusion

- The headteacher should ask the chair of the governing board whether there are clear processes in place for considering suspensions and permanent exclusions, such as:
 - Ensuring parents and pupils are aware of their right to consideration by the governing board
 - Asking whether the governing board have taken steps to find a convenient date that the parent, other relevant parties, the local authority representative (if relevant) and the headteacher can attend, within the legal time limits
 - Asking the governing board whether they have considered how to involve the pupil in the consideration process
 - Collecting all relevant documents, anonymising them, if required, and providing them to all parties

The headteacher should ensure that they have informed the governing board about reinstatement and specify the correct timescale. They should also make clear to the governing board whether the need to consider reinstatement is dependent on receiving parental representations.

A headteacher should ensure a process is in place for a governing board when considering reinstatement following a permanent exclusion:

- Do governors understand the suspension and permanent exclusion process to enable a review within deadlines?
- Would governors benefit from additional training, including on behaviour management, routines, norms and consequences, disability awareness, the Equality Act 2010, the Children and Families Act 2014 and SEN provision?
- Is there a clear and timely system in place to enable parents to make representations?
- Are there up-to-date templates for notifying parents of the decision and explaining the next steps.

18. The governing board

- Responsibilities regarding suspensions/exclusions is delegated to the governing board consisting of at least 3 governors.
- The governing board has a duty to consider the reinstatement of a suspended/excluded pupil (see section 18).
- Within 14 days of receipt of a request, the governing board will provide the secretary of state and the Local Authority with information about any suspensions/exclusions in the last 12 months.
- For a suspension of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

19. The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

20. An independent review

If parents apply for an independent review, the LA will arrange for an independent panel to review the decision of the governing board 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 governing board of its decision not to reinstate a pupil.

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 governors category and 2 members will come from the headteacher category.

- 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
- 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 or governing board 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 or pupil, 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 DfE guidance for training)

A clerk will be appointed to the panel.

The independent panel will decide one 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 when the decision is judged to be flawed)

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

21. Requests for remote access meetings for governing board meetings or IRPs

The term 'remote access meeting' within this guidance refers to a meeting arranged by the governing board or local authority that is carried out via electronic means such as live video link.

- Parents can request a reintegration meeting to be held by the use of remote access but this should not be a default option and face to face meetings should be encouraged. When remote access has been requested by parents;
 - The Governing board or arranging authority must hold the meeting via the use of remote access if the request has been made correctly in the headteacher's written notification or the governing board's written notification to the parents that they can request an IRP;
 - Holding meetings via remote access can only be done if governing boards or arranging authorities are satisfied that the meeting is capable of being held fairly and transparently.

- If there are irresolvable internet or technological issues during a meeting, a face to face meeting must be organised by the governing board despite the parent's request.
- If a governing board meets to consider and decide on the reinstatement of a suspended or permanently excluded pupil (face to face or via remote access), this must happen within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher.
- If an IRP meeting is to be held face to face or via the use of remote access, the local authority must make reasonable steps to identify a date for the review that all parties are able to attend or join. The review must begin within 15 school days of the day on which the parent's application for a review was made.
- When the parent does not request a remote meeting or does not state a wish either way, governing boards and arranging authorities must hold the meeting in person (Social Workers and VSHs are allowed to join remotely if conditions are met) unless it is not reasonably practicable to do so in person due to a reason related to extraordinary events or unforeseen circumstances.
- Governing boards and arranging authorities and panel members must comply with relevant equalities legislation and enable access to support which the parent is entitled to, including the presence of a friend.

When meeting via remote access, governing boards should ensure the following conditions are met:

- Confirm with all participants that they have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen.
- Ensure that all participants will be able to put across their point of view or fulfil their function.
- Ensure the meeting can be held fairly and transparently: see Annex A of Suspensions and Permanent Exclusions Guidance (2023) for more information . If the meeting cannot be held fairly and transparently, a face to face meeting should be arranged.

22. Considering the reinstatement of a pupil

The governing board will consider the reinstatement of a suspended/excluded pupil within 15 school days of receiving the notice of the suspension/exclusion if:

-The exclusion is permanent

-It is a suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term

-It would result in a pupil missing a public examination

-If requested to do so by parents, the governing board will consider the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension if the pupil would be suspended from school for more than 5 school days, but less than 15, in a single term.

Where a suspension/exclusion would result in a pupil missing a public examination, the governing board will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this

consideration) will consider the suspension/exclusion independently and decide whether or not to reinstate the pupil.

The governing board can either:

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

In reaching a decision, the governing board will consider whether the suspension/exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to suspend/exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The governing board will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing board's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to attend the review
 - 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 exclusion has occurred as a result of 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. A claim of discrimination made under these routes should

be lodged within 6 months of the date on which the discrimination is alleged to have taken place

23. School registers

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

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel **or**
- The parents 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, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for a suspended/excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

24. Monitoring arrangements

The Lead of Positive Relationships will monitor the number of suspensions/exclusions and will liaise with the head teacher. A full list of suspensions and exclusions is reported to governors every term. This includes suspensions and exclusions which have been reported to governors within the term (see section 12). They also liaise with the governors and local authority to ensure suitable full-time education for suspended/excluded pupils.

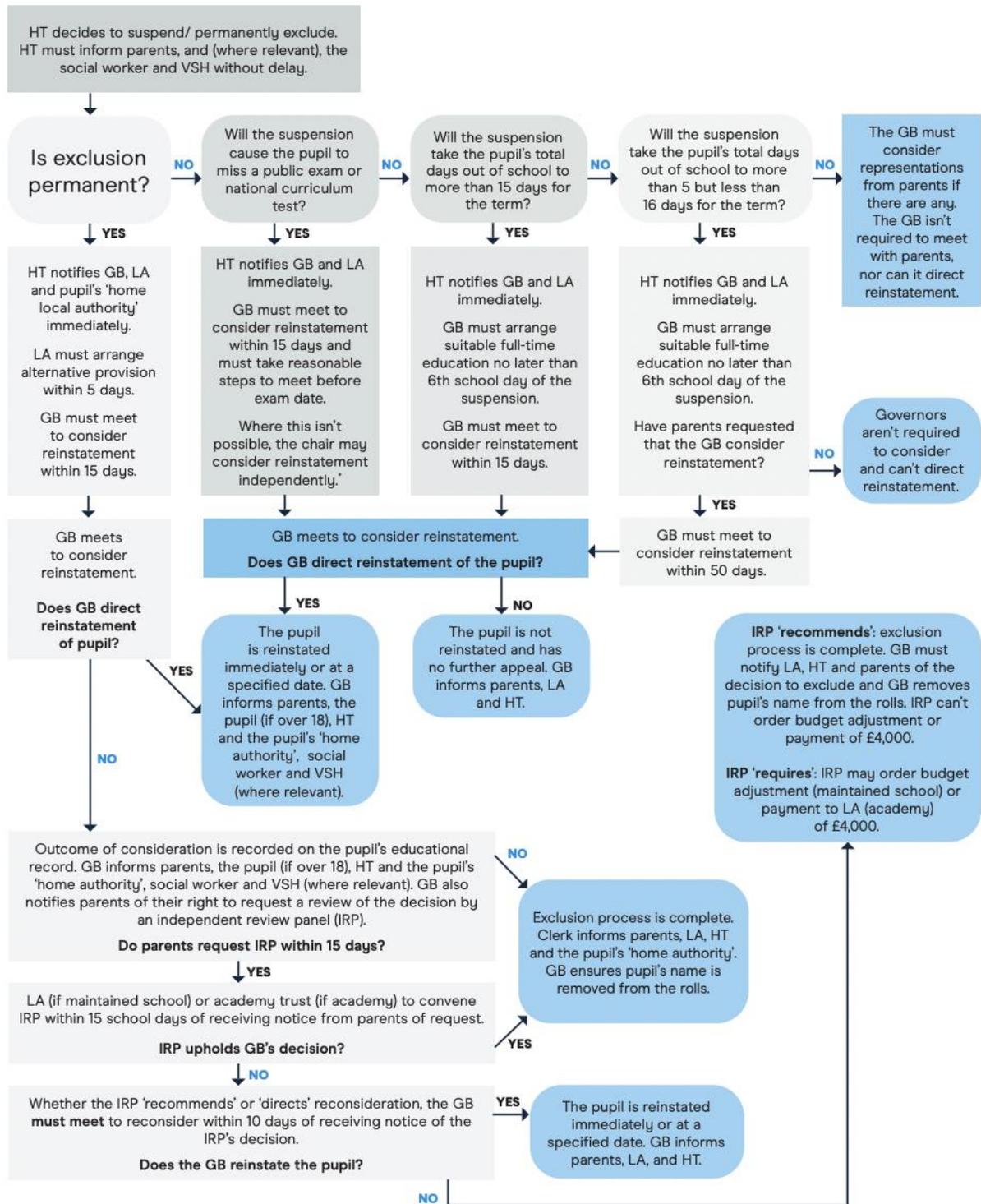
This policy will be reviewed by the Headteacher and Lead of Positive Relationships annually. At every review, the policy will be shared with the governing board.

25. Links with other policies

This exclusions policy is linked to our

- Behaviour and Emotional Support policy
- SEN policy and information report
- Anti-Bullying policy

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)