



The High School  
Leckhampton

## Exclusion & Suspension Policy

**Reviewing Member of Staff:** Mrs Helen Wood & Mrs Alice O'Riordan  
**Date updated:** March 2024  
**Review Date:** Spring Term 2025

## Contents

1. Aims .....	2
2. Legislation and Guidance .....	3
3. Definitions .....	3-4
4. The Decision to Exclude or Suspend .....	4-6
5. Roles and Responsibilities .....	7-10
• 5.1 The Headteacher	
• 5.2 The Governing Body	
• 5.3 The LA	
6. Considering the Reinstatement of a Pupil .....	11-12
7. An Independent Review .....	12-14
8. School Registers .....	14-15
9. Returning from a Suspension .....	15
10. Monitoring Arrangements .....	16
11. Legal Responsibilities .....	16-17
12. Links with Other Policies .....	17
 Appendix 1: Independent Review Panel Training .....	 18
Appendix 2: Governing Body Procedure for Permanent Exclusion Hearing .....	19

---

## 1. Aims

Our school aims to ensure that:

- The suspension & exclusion process is applied fairly and consistently
- The suspension & exclusion process is understood by Governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

## A note on off-rolling

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

*"The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."*

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school

## 2. Legislation and Guidance

This policy is based on statutory guidance from the Department for Education: *Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023.*

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

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

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at 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 <https://www.gov.uk/guidance/equality-act-2010-guidance>
- The Children and Families Act 2014  
<https://www.gov.uk/government/publications/young-persons-guide-to-the-children-and-families-act-2014>

This policy complies with our Funding Agreement and Articles of Association.

## 3. Definitions

### ➤ Suspension

When a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

### ➤ Permanent exclusion

When a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

### ➤ Off-site direction

When a Governing Body of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.

### ➤ Parent / Carer

Any person who has parental responsibility and any person who has care of the child.

### ➤ Managed move

When a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

For the purposes of suspensions, the school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

#### 4. The Decision to Exclude or Suspend

Only the Headteacher, or Acting Headteacher, can exclude or suspend a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. A permanent exclusion will be taken as a last resort.

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

A decision to suspend a pupil will be taken only:

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

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

A decision to permanently exclude a pupil will be taken only:

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

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

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

The Headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

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

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

When an incident has occurred that may result in a suspension or a permanent exclusion, the school will consider very carefully the surrounding events. Where possible statements will be taken from pupils who may have witnessed the event, and a judgement will be made by the pastoral team to try and decide the actual order of the events. Where a member of staff has witnessed an event, this evidence will be recorded and used as the primary source. Any pupil who is at risk of suspension or permanent exclusion will be given the opportunity to give his/her version of the events and these will be carefully considered. If a pupil is judged to have deliberately lied about the course of events, the sanctions may well be increased.

CCTV images will be used if appropriate and if the witness statements are not clear. However, it should be understood that in some situations it will not be possible to ever know exactly what happened and in what order, but the school will always try to make a fair judgement, based on the likely probabilities.

The school will not jump to decisions, but instead take the time necessary to make the correct decision. In the intervening period, it may be necessary to withdraw some pupils from lessons and sit them outside of class, to avoid further conflict or upset. This will usually take place in the pastoral offices, where there are a number of staff nearby, although sometimes it may be necessary to use another space in the school.

The school is not required to prove beyond reasonable doubt. If the school is satisfied that, on the balance of probabilities, the pupil did what he/she is alleged to have done, suspension or permanent exclusion will be the outcome.

### **Case by Case Discretion**

Any decision to suspend or permanent exclude a pupil will always be lawful, rational, reasonable, fair and proportionate. The High School Leckhampton will always aim for consistency in its application of sanctions. However, the school recognises that all pupils are different and background circumstances can affect behaviour. Where possible, all pertinent factors will be considered when deciding whether or not to suspend or permanently exclude a pupil.

### **Alternatives to Exclusion**

The school will work closely with the Trust schools and other local secondary schools to undertake managed moves where such a course of action would be of benefit both to the pupil and the two schools concerned. However, a managed move will not be used if it is judged that the pupil will not change his/her ways, or if the pupil's behaviour was likely to adversely affect the school to which the managed moved was considered. The pupil will need to show genuine remorse and express a genuine desire to improve behaviour for a managed move to be considered.

### **Suspension Criteria**

A pupil may be suspended from school in the following circumstances:

- Persistent disruptive behaviour
- Verbal abuse to staff and others
- Verbal abuse to pupil
- Physical abuse on staff

- Physical abuse on a pupil
- Deliberate unwanted physical contact with a member of staff
- Indecent behaviour
- Damage to property
- Graffiti
- Misuse of illegal drugs or other substances including supplying
- Theft
- Fighting
- Violence
- Encouraging others to fight (including being part of a crowd to watch a fight)
- Videoing and/or posting or forwarding videos of poor behaviour
- Videoing others so as to cause upset or embarrassment
- Posting offensive images or comments on the internet
- Threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Abusive or offensive language or images posted on the internet about pupils or a member of staff
- Cyber crime on any of the school's internet systems
- Carrying an offensive weapon
- Arson
- Racist, homophobic or discriminatory abuse of another pupil or member of staff
- Bringing the school into disrepute
- Offensive language or behaviour to local residents on the way to or from school
- Damaging or attempting to damage local houses/property
- Spreading illness or disease deliberately or causing upset about disease
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour

This is not an exhaustive list and there may be other situations where the school judges a suspension to be an appropriate sanction. Repeated incidents in any of the above may lead to a permanent exclusion.

A very serious first-time offence may also warrant a permanent exclusion.

Pupils are expected to behave within the school rules while at school (including lessons, registration, break time, lunchtime and after-school events/clubs) and also while traveling to and from school. The same rules apply during a pupil's commute as they do when in school. The school may sanction a pupil for behavioral concerns even outside of these times, including at weekends and holidays, if a pupil's behaviour is such that it brings the school into disrepute or causes upset or harm to a pupil, member of staff, neighbour or friend of the school.

*See Behaviour Policy including Anti-Bullying Strategy*

## **5. Roles and Responsibilities**

### **5.1 The Headteacher**

#### **Informing Parents and Providing Alternative Provision**

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

If the Headteacher decides to suspend or exclude a pupil, the parents/carers 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 Headteacher will provide the following information, in writing, to the parents of a suspended or permanently excluded pupil as soon as possible:

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

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

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this

If alternative provision is being arranged, the following information will be included when notifying parents of a suspension:

- 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 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 day, it may be provided in a subsequent notice, but it will be provided 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 an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

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

Alternative provision may take the form of:

- Education at an alternative provider
- Virtual education via a computer terminal

or some other form of alternative education.

The school will liaise with the alternative provider to ensure that the pupil continues with work that is appropriate to his/her needs.

### **Informing the Governing Body and Local Authority**

The Headteacher will immediately notify the Governing Body and the Local Authority (LA) of:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Suspensions which would result in the pupil being suspended for more than 5 school days (or more than 10 half-days) in a term
- Suspensions which would result in the pupil missing a public examination
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation
- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or if it is a permanent exclusion

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

For all other suspensions, the Headteacher will notify the Governing Body and LA.

### **Informing the pupil's social worker and/or virtual school head (VSH)**

If a:

- Pupil with a social worker is at risk of suspension or permanent exclusion, the Headteacher will inform the social worker as early as possible
- Pupil who is a looked-after child (LAC) is at risk of suspension or exclusion, the Headteacher will inform the VSH as early as possible

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

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

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

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

### **Cancelling suspensions and permanent exclusions**

The Headteacher 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 Body. Where there is a cancellation:

- The parents, Governing Body and LA will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- Parents will be offered the opportunity to meet with the Headteacher to discuss the cancellation
- The Governing Body's duty to hold a meeting and consider reinstatement ceases
- As referred to above, the Headteacher will report to the Governing Body once per term on the number of cancellations
- The pupil will be allowed back in 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.

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

### **Providing education during the first 5 days of a suspension or permanent exclusion**

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the Headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom, Oak Academy, the school's VLE or other online platforms may be used for this. If the pupil has a special educational need or disability, the Headteacher will make sure that reasonable adjustments are made to the provision where necessary.

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

## **5.2 The Governing Body**

Responsibilities regarding suspensions and exclusions is delegated to the Disciplinary Committee (DC). The DC has a duty to consider the reinstatement of a permanently excluded or suspended pupil (see section 6). Within 14 days of receipt of a request, the Governing Body will provide the secretary of state and the LA with information about any suspensions and permanent exclusions in the last 12 months.

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

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

### **Monitoring and Analysing Suspensions and Exclusions Data**

The Governing Body will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The Governing Body will consider:

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

## **5.3 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.

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

## **6. Considering the Reinstatement of a Pupil**

The DC will consider the reinstatement of a suspended pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination or national curriculum test

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the DC must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the Headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5, but less than 16 school days, in a single term, and the parents make representations to the board, the DC will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the Headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the DC will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the DC may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

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

- Parents, or the pupil if they are 18 or over (and, where requested, a representative or friend)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The Headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

Governing Body meetings can be held remotely at the request of parents/carers. The Governing Body 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 DC 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 DC will consider whether the suspension 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. They will also consider the welfare and safeguarding of the pupil and their peers.

The clerk will be present when the decision is made. 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 DC will notify, in writing, the Headteacher, parents and the LA of its decision (the pupil's home authority if different to the school's), the VSH if the pupil is looked after, along with reasons for its decision, without delay.

Where an exclusion is permanent, The DC 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 SEND are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the school to appoint an SEND expert to attend the review
  - Details of the role of the SEND expert and that there would be no cost to parents for this appointment
  - That parents must make clear if they wish for an SEND 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

## **7. An Independent Review**

If parents apply for an Independent Review, the school will arrange for an independent panel to review the decision of The Governing Body 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/carers by the governing body of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion. Any applications made outside of this timeframe will be rejected.

Independent reviews can be held remotely at the request of parents/carers.

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/Director of The Trust or Governing Body 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 Trust or the Governing Body, 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 Trust, School, Governing Body, 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 Appendix 1 for what training must cover*)

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

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

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

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

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

A Clerk will be appointed to the panel.

The Independent Panel will decide one of the following:

- Uphold the Governing Body's decision
- Recommend that the Governing Body reconsiders reinstatement
- Quash the Governing Body'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.

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 Body 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 Body 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 Body does not subsequently decide to offer to reinstate the pupil within 10 school days
- Any information that the panel has directed the Governing Body to place on the pupil's educational record

## **8. 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 Body 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 pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

### **Making a return to the LA**

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

- The pupil's full name
- The full name and address of any parent with whom the pupil normally resides
- At least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion)
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school
- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house

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

### **9. Returning from a Suspension**

Following a suspension, a re-integration meeting is strongly recommended involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The High School Leckhampton values the "Return Meeting" with parents very highly. Parents are asked to attend a meeting with a senior member of the pastoral team and these meetings form an essential aspect of the school's disciplinary procedures.

The meeting will usually take place early in the morning on the day of return to school. However, the school will try and find a time that is appropriate and convenient for all parties. Where appropriate, staff from other agencies may attend the return from suspension meeting.

A plan for reintegration will be discussed with parents and the pupil. The aim will be to get the pupil back into lessons and successfully completing their education as soon as possible and with minimum disruption.

The following measures may be implemented when a pupil returns from a suspension:

- Agreeing a behaviour contract
- Putting a pupil 'on report'
- Informing the pupil/parent about additional support from external agencies
- Education and guidance on a particular issue e.g. sharing an educational documentary on vaping

## 10. Monitoring Arrangements

The Assistant Headteacher Pastoral (DSL) monitors the number of suspensions and permanent exclusions every term and reports back to the Headteacher. They also liaise with the Local Authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Assistant Headteacher Pastoral annually. At every review, the policy will be shared with the DC.

### Remote Access to meetings

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

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

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

The Governing Body and The Balcarras Trust 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 which 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

## 11. Legal Responsibilities

The school will ensure that all aspects of suspensions and permanent exclusions will follow the legal responsibilities placed on academies. Full details of these responsibilities and statutory guidance can be found in the following document:

### DfE Guide to Legislation

***"Exclusion from maintained schools, academies and pupil referral units in England"***

Because it is a long document, it is not sensible to replicate all of the details from the DfE Guide to Legislation in the school's policy.

The DfE Guide to Legislation gives details on:

1. **How to appeal** or make representations about permanent or fixed term exclusions
2. **Legal limits** on lengths of exclusions
3. **Governing Body's duty** to consider an exclusion
4. **Time frame** for Governing Bodies with regard to permanent exclusion
5. The academy's duty to arrange an **independent review panel**
6. The make-up and role of the **independent review panel**
7. **SEND provision** with regard to exclusions

For further information and all of the relevant guidance, the full DfE Guide to Legislation can be read at the following internet address:

***[www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)***

## **Representation to Governors**

The Complaints Policy sets out clearly how the school deals with a complaint. If a parent is unhappy with the school's decision, a meeting can be arranged and it is always best if the disagreement can be solved amicably with a face to face conversation. If this is not possible, then parents may make a representation to Governors if they so wish. This should be done by writing a formal letter, to the Chair of Governors, care of the Clerk to the Governors, detailing all the relevant concerns. Parents are encouraged to include details in the letter of what the desired outcome would be.

## **12. Links with Other Policies**

This exclusions policy is linked to our

- *Behaviour Policy*
- *SEND Policy*

---

## ***Rights Respecting School Statement***

*The contents of this policy have been reviewed taking into account The High School Leckhampton's responsibilities as a Rights Respecting School. In particular, our commitment to the following articles of the Convention of The Rights of The Child:*

***Article 28: (Right to Education):*** *The Convention places a high value on education. Young people should be encouraged to reach the highest level of education of which they are capable.*

***Article 29: (Goals of Education):*** *Children's education should develop each child's personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to love peacefully, protect the environment and respect other people.*

### ***Appendix 1: Independent Review Panel Training***

The High School Leckhampton must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

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

## ***Appendix 2: Governing Body Procedure for Permanent Exclusion Hearing***

Chair makes introductions. Confirm order of procedure as set out below.

### **Headteacher Case**

1. The Headteacher presents the case for exclusion
2. The Parent/Representative may ask questions
3. The Governing Body (GB) may ask questions

### **Parental Case**

4. The Parent/Representative presents the case for reinstatement
5. The Headteacher may ask questions
6. The GB may ask questions

### **Summing Up**

7. The Headteacher sums up their case for exclusion
8. The Parent/Representative sums up their case for reinstatement
9. The Headteacher & Parent/Representative leave the room to allow the GB to deliberate
10. The Clerk to the GB will write to all parties with the outcome of the hearing as soon as possible