



**THE
DIOCESE OF
SHEFFIELD
ACADEMIES
TRUST**

EXCLUSIONS POLICY

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Principles of the policy

In developing a policy for Exclusions, the DSAT mission statement is important:

- To create and sustain challenging, stimulating, nurturing and exciting learning experiences where all children achieve well and are keen to learn.
- To deliver good and outstanding teaching and learning for all pupils every day.
- To offer an inclusive framework for education that opens for our children “life in all its fullness”.
- To empower leadership at all levels to drive improvements so that each school is aspirational and moves to its next level of performance.

The quest for inclusion within this mission means that our policy for Exclusions should be clear and consistently applied. Although there is not a one size fits all approach to exclusions and each case should be considered individually, it is important that attendance at any one of our academies should equate to fair and equitable treatment.

We recognise that some children may need more, or something different from our core offer as mainstream schools and we will strive to ensure that this is provided or made accessible wherever possible. We want all children attending DSAT schools to feel that they belong, regardless of their individual needs and school staff are committed to this endeavour.

DSAT spans three Local Authorities, each with its own guidance. All schools and LAs follow statutory guidance from the DfE upon which this policy is devised. Schools within DSAT will therefore follow this policy which outlines the Trust’s expectations but will also adhere to individual requirements as outlined by their Local Authority. This policy has been devised using materials from each of the LAs represented in the Trust and credit is therefore given to the relevant authorities.

Following the release of the DfE statutory guidance, exclusions formerly referred to as ‘fixed-term’ have become ‘suspensions’. Although still referred to as ‘fixed term exclusions’ in law, this policy will make reference to suspensions throughout.

This policy should be read alongside [Suspension and permanent exclusion guidance September 23](#) which Headteachers and Exclusion Panels must have regard to.

There are references in the DfE guidance to the school’s ‘Governing Body’. This policy is written in line with DSAT’s specific governance arrangements where a Local School Board is in operation but statutory responsibilities of governance sit with the Board of Trustees. The Board of Trustees have created an Exclusions Panel in place of a school’s Governing Board for consideration of all exclusions and appeals. A member of the school’s Local School Board will attend any panel hearing but they will be chaired by the Chair of the Exclusions Panel (ExP).

Headteacher in this document applies equally to Heads of School and Executive Headteachers, including anyone in an acting or interim capacity.



Parent in this document includes any person who has parental responsibility (which includes the Local Authority where it has a care order in respect of a child) and any person (for example foster carer) with whom the student lives or has main care of the child. It is expected that those with parental responsibility will engage with the exclusions process. As DSAT is a Trust comprising of primary schools only, there will never be an excluded person over the age of 18 who will be able to make representation for themselves.

Only the Headteacher (including Heads of School, Executive Headteachers and anyone acting in an interim capacity) can exclude a child from the school. A permanent exclusion will only be taken as a last resort. Any decision to exclude must be lawful (with respect to the legislation related directly to suspensions/exclusions and the Academy's wider legal duties), rational, reasonable, fair and proportionate. Headteachers must formally record and specify the length of the suspension and notify the DSAT Head of Access to education and the Deputy CEO without delay.

Unlawful Exclusions/Suspensions

- Informal or unofficial exclusions such as sending students home to cool off are unlawful, regardless of whether they occur with the agreement of parents/carers.
- If a student is sent home in response to a breach of discipline, even for a short period, this must be recorded as a suspension of 0.5 days or more as appropriate.
- The law does not allow for extending or converting a suspension into a permanent exclusion. A new decision to suspend or exclude to begin immediately after the first suspension ends, can be made in exceptional cases (usually where further evidence has come to light).

It is unlawful to exclude or increase the severity of and a suspension for a non-disciplinary reason, for example:

- Because a child has additional needs or disability that the school feels unable to cater for
- Time needed to arrange a multi-agency, review or planning meeting
- Failure of a parent/carer to meet specific conditions before the child is reinstated.

The use of a part-time timetable can also constitute an unlawful exclusion where the child is not allowed in school for lessons/sessions because of behaviour or special needs. A reduced timetable must be an agreement between the school and the parents/carers and should be issued for a short time only. The school should complete the appropriate paperwork which consists of checklists, risk assessments and time specific agreements which should be signed by the school and parents/carers. Part time timetable agreements should be reviewed regularly, ideally fortnightly, and should be recorded on the school's MIS system. Part time timetables arrangements should be reported to the Local School Board and minuted. All part time timetable arrangements should be reported to the DSAT Head of Access to Education for monitoring and accountability purposes.

Behaviour Outside the School



The behaviour of children outside of school can be considered grounds for suspension or exclusion where it is reasonable and appropriate to do so. The individual schools will make reference to this in their own behaviour policies and will set out what they will do in response to all non-criminal poor behaviour and bullying, including cyber-bullying and on-line harms which occurs anywhere off the school premises.

Preventative Measures

Schools should adopt a range of initial intervention strategies to help pupils manage their behaviour and to reduce the likelihood of suspension and exclusion. This is achieved by helping children understand the behavioural expectations and by providing support to pupils who struggle to meet these expectations.

Schools should be proactive in identifying children with potential behavioural needs as early as possible so that the appropriate support and intervention can be put in place. This may result in identification on SEND that a pupil may have.

Where a pupil has SEN, the 'graduated response' should be used to assess, plan, deliver and review the needs of the pupil and the impact of the support being provided. If the pupil has an Education Health and Care Plan (EHCP), early contact with the LA would be appropriate and an early annual review might be needed.

Where a school has serious concerns about a pupil's behaviour that impact on wider concerns that education, it should consider whether a multi-agency assessment such as an Early Help assessment is required or whether advice from the Multi Agency Safeguarding Hub (MASH) should be sought to determine if a Social Care Assessment may be required.

Headteachers should consider what extra support might be needed to identify and address the needs of students from groups identified nationally as being at greater risk of exclusion such as those from deprived backgrounds, Looked After Children and children from certain ethnic groups such as Gypsy/Roma, travellers or Black Caribbean.

A Headteacher checklist is provided as an appendix to this policy which outlines some of the preventative measures to be considered prior to suspension/exclusion.

SEND

Headteachers must ensure that they meet their statutory duties under the SEN Code of Practice when making decisions about suspensions and exclusions. They should as far as possible avoid permanently excluding any child with an EHCP. When a school identifies issues with the behaviour of a child with an EHCP which places them at risk of exclusion, they should call an early annual review to consider the child's changing needs.

Where a child has SEN but does not have an EHCP, Headteachers and SENDCos should determine if there is a sufficient level of support in place for the child. If there has been appropriate



support in place but the child is still exhibiting challenging behaviour, the school should ascertain if there is sufficient evidence of a graduated response to make a request for an EHCP assessment.

Headteachers must ensure that they have made reasonable adjustments for children with SEN or those with other disabilities before they resort to suspension or exclusion to ensure that they are not in breach of the Equality Act. Action would be considered a breach of the Equality act if;

discrimination has arisen because of a disability
AND

There has been a failure to make reasonable adjustments

Schools are placed under the 'reasonable adjustment duty' and must take steps that are reasonable to avoid disadvantage. When considering exclusion, headteachers must be sure they believe that they have done this.

In these circumstances, reasonable means making changes to:

- Provision – timetables, support, resources etc
- Physical adjustments to the buildings such as providing access to quiet spaces where possible (not including unfunded changes to building that would require planning and significant work/funding)
- Auxiliary aids and services – referrals, use of ear defenders, the use of additional adults, the use of a laptop etc.

Headteachers should engage proactively with the parents/carers to support the behaviour of pupils with additional needs. As an Academy Trust, DSAT are mindful of the increased safeguarding risks that children with SEND may face and these will be considered in each situation.

Alternative Provision (AP) and Direction off site

Schools must avoid the use of suspension and exclusion if at all possible. Alternatives to permanent exclusion should be explored and this may include the use of Alternative Provision where a child is dual registered (coded as B in the register) and attends another setting for an agreed period of time. Depending on the needs and circumstances of the individual child, off site direction to an AP setting or other maintained school can be on a full-time basis or a combination of part time support.

Through their general management powers as outlined in the DfE statutory guidance on exclusions (pg. 19), headteachers have the power to direct a student to an alternative provision to improve their behaviour. The DfE guidance on Alternative Provision should be followed and any direction off site must be kept under review and be for a determined period of time. Only AP that has been assessed and checked by DSAT should be used as this provision must be registered with Ofsted to ensure the school is meeting its statutory and safeguarding duties.

The length of time a pupil spends in an AP or other setting must be kept under review so that an appropriate reintegration strategy can be planned for. Review meetings should be held to help determine the effectiveness and appropriateness of the placement. The Headteacher should ensure that parents/carers are invited to the review meeting and that it is at a time that is suitable for all. Outcomes of these reviews should be recorded in writing and retained by the school.

At the end of the placement following the review, there should be a reintegration strategy that is devised to ensure the transition back to the home school is as positive as possible. The views of the parents, AP provider, the LA (if the child has an EHCP) should be considered in determining



the best course of action at the end of the placement. The length of time a child spends at another school or AP setting depends on the needs of the child.

Managed Moves

A Managed Move is defined as a formal agreement between two schools, a child and their parents. It allows a student at risk of permanent exclusion to transfer to another school. The move requires the agreement of the child's parents, the headteacher of the child's school, the head teacher of the proposed school, and the LA (if the school being transferred to is a community or voluntary maintained school).

A Managed Move is never an early or first response when a student is failing at school because of behaviour. Rather, it should be considered as part of a measured response to supporting their emotional, social and behavioural needs. It is likely to be a strategy considered in the later stages of a support plan where there is little or no evidence of success. A Managed Move can often be a fresh start for a student and must be undertaken alongside a high level of support for the student.

Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a managed move, it should contact the authority prior to the managed move. 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.

If a parent believes that they are being pressured into a managed move or is unhappy with a managed move, they can take up the issue through the Trust's formal complaints procedure.

Behaviour Policies

Each school within DSAT has their own Behaviour Policy which is shared on the school's website. The government supports headteachers in using suspension and exclusion as a sanction when warranted, however the decision to permanently exclude should only be taken:

- in response to a serious breach or persistent breaches of behaviour policy
- or
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school

School behaviour policies and principles should therefore be clearly articulated and well understood by all.

Exclusions must **not** be used for:

- poor academic performance
- lateness or truancy
- one-off breaches of school uniform or rules on appearance
- behaviour of students' parents.



Mitigating Circumstances

Headteachers should take account of any contributing factors that are identified after an incident of poor behaviour has occurred (e.g., where it comes to light that a student has suffered bereavement, has mental health issues or has been subject to bullying).

Safeguarding Children

Headteachers must take account of their legal duty of care when sending a student home following the exclusion or suspension. The headteacher should also give particular consideration to the fair treatment of students from groups who are vulnerable to exclusion.

Headteachers should ensure that:

- They are meeting their legal duty of care towards children. Parents/carers must be formally notified of the exclusion/suspension and the child must not be placed at risk by, for example, being sent home without adequate supervision. Best practice is that parents/carers must be spoken to directly and then come to school to collect the child or agree with the headteacher that another adult will come as their representative
- Child protection issues are taken into account e.g., bearing in mind the child's age and vulnerability.

Headteachers should consider whether any child may be at risk of harm whilst not in school and subsequently make the appropriate referrals to children's social care. Where headteachers believe that suspending a child places them at risk of harm, they should consider whether any other possible alternatives such as internal exclusion are more appropriate.

Internal exclusion/suspension

Academies can still use internal exclusions/suspension. These should be time limited and not used excessively for the same child. Such exclusions are served on the school site and are not treated as a suspension from the Academy. Internal exclusion may be more appropriate in cases where a student is a Child in Care (CiC) who is subject to a Child Protection Plan, or for whom the DSL/headteacher believes formal suspension might pose a safeguarding risk.

All internal suspensions should be recorded on the school MIS system to allow for monitoring and reporting to the Trustees and Local School Boards.

CiC / LAC / Previously LAC and children with social workers

Children in Care / Looked After Children are a group of students who are vulnerable to suspension or exclusion.

The Local Authority (LA) Virtual School Head should be contacted as soon as it becomes likely that there is going to be a suspension or a permanent exclusion. LA protocol should be followed when CiC/LAC pupils are excluded. Exclusion of a child in care is not an equal



punishment as that of a child living with their family; the consequence can often be loss of their home, not just their education. Everything possible should be done by all partners to ensure that LAC are never permanently excluded and that suspensions are avoided.

Where a child has a social worker, and they are at risk of suspension or permanent exclusion, the headteacher should inform their social worker.

Where previously looked-after children face the risk of being suspended or permanently excluded, the academy should engage with the child's parents and the academy's Designated Teacher. The academy may also seek the advice of the Virtual School Head on strategies to support the pupil.

Gathering Evidence

When establishing the facts in relation to an exclusion 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.

Evidence could consist of witness statements, photographs, screen shots from social network sites, physical evidence or behaviour incident records. In the case of exclusions for persistent disruptive behaviour, headteachers should also provide evidence that preventative measures have been used. Headteachers should give children who are able to, the opportunity to present their views before taking the decision to suspend or permanently exclude.

Witness Statements

All witness statements should be attributed, signed and dated, unless the Academy has good reason to wish to protect the anonymity of the witness, in which case, the statement should at least be dated and labelled in a way that allows it to be distinguished from other statements.

The following advice is taken from Witness Statements Preparation Guide, European Human Rights Advocacy Centre, 2008.

If an adult is writing down the statement of a young person, or asking a student to write their own statement, they must avoid using leading questions. Useful questions might include:

- *When did the incident take place?*
- *Where was the witness at the time and what was he or she doing?*
- *Who was the witness with and what did the witness see?*
- *What did each person say or do?*

Statements should be factual and in the words of the witness: 'I did this...', and 'I saw...'
Statements could also include photos, maps, sketches or diagrams. It should be explained to the witness or their Parents (depending on the age of the child) that their statement may be used at an Exclusion Panel.

The child or parents' consent does not need to be obtained for a statement (since the lawful basis for processing is legal obligation, not consent). Any reference to other pupils should be



anonymised and, if it would identify a student, redacted. The Exclusion Panel should not see the full names either if these are being anonymised. Best practice is for other children to references as Child A, Child B etc. throughout. It is not necessary to redact the excluded pupil's name from documents. All panel members should have the same information and if this is redacted or anonymised then that is how it is presented to all.

Police involvement and parallel criminal proceedings

Headteachers need not postpone taking a decision about an exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, headteachers will need to take a decision on the evidence available to them at the time. It may be advisable, where the evidence is not clear-cut or is still coming to light, to first suspend the pupil.

Suspensions

When Headteachers suspend a pupil, they must, without delay, notify parents, DSAT and the local authority. Legislative changes mean that if a pupil has a social worker, or if a pupil is looked- after, the headteacher must now, also without delay after their decision, notify the social worker and/or Virtual School Head, as applicable.

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. 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 fixed-period exclusion 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.

Suspensions should be for the shortest time necessary. Ofsted inspection evidence suggests 1-3 days are often long enough. A longer period of suspension may have adverse educational consequences. A lunch-time suspension should be recorded as 0.5 days. Schools should take reasonable steps to set and mark work for children during the first five days of a suspension. Work that is provided should be accessible and achievable by students outside of the Academy.

The headteacher is responsible for ensuring that an Exclusions Panel is convened to consider the suspension:

- Within 15 school days - *when the latest suspension, in conjunction with previous suspensions, will take the student's total number of days out of the academy above 15 for the term*
- As soon as possible, and prior to the date of the examination or test – *when the suspension will result in the student missing a public exam or national curriculum test*
- Within 50 school days – *when the latest suspension takes the student's total number of school days out of the academy above five but less than sixteen for the term, and the parents have made representations that their child should be reinstated, or the suspension reviewed.*



In any of these circumstances the headteacher must also ensure that the paperwork is sent out to all parties at least five school days prior to the panel meeting.

Cancelling exclusions

The headteacher may cancel an exclusion that has already begun, but this should only be done where it has not yet been reviewed by the Exclusions Panel. Where an exclusion is cancelled, then:

- Parents, DSAT, and the LA should be notified without delay and, if relevant, the social worker and Virtual School Head and the reason for the cancellation should be made clear. The Exclusions Panel meeting ceases to be required;
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- The pupil should be allowed back into 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.

Permanent Exclusions

A decision to exclude a student permanently should only be taken:

- by the headteacher
- in response to serious **or** persistent breaches of the Academy's behaviour policy; **and**
- where allowing the student to remain in the Academy would seriously harm the education **or** welfare of the students or others in the Academy

While current DfE statutory guidance provides no examples of what a serious breach of the Academy's behaviour policy might be, Headteachers might reasonably consider permanent exclusion in the following cases:

- serious actual or threatened violence against another student or member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon

When headteachers permanently exclude a pupil, they must, without delay, notify parents, the local authority and the "home" authority if the student lives outside the LA area in which the academy is located. Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the Headteacher must now, also without delay after their decision, notify the social worker and/or Virtual School Head, as applicable.

Headteachers can take advice from the DSAT Head of Access to Education regarding permanent exclusions.



Procedures following a suspension or permanent exclusion

Informing parents

The headteacher must immediately notify parents of the period of a suspension and the reasons for it, their legal responsibilities during the first five days of their child's exclusion and follow up in writing with:

- the reasons for the exclusion;
- the period of a suspension or, the fact that it is permanent;
- parents' right to make representations about the exclusion to the Exclusion Panel and how the student may be involved in this;
- how any representations should be made to the Exclusion Panel, depending on the length of the suspension
- where the Exclusion Panel is legally required to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.

The headteacher must inform parents of the days on which they must ensure that the child is not present in a public place at any time during school hours, for the first 5 days of any suspension/exclusion and that a Penalty Notice can be issued if they fail to ensure this.

From the sixth day of a suspension, schools are required to arrange alternative full-time education for the child.

'Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is as a result of one decision to suspend the pupil for the full period or multiple decisions to suspend the pupil for several periods in a row.'

(DfE guidance Part six, paragraph 89)

Local Authorities are required to arrange full-time education from the sixth day of a permanent exclusion.

If alternative provision is being arranged by the school, then the following information must be included in the letter to parents: the address, contact name to whom the student should report; start and finish date and times of any such full-time education, including the times for morning and afternoon sessions where relevant (where it can reasonably be found out within the timescale).

Parents must be informed where a further suspension or permanent exclusion has been issued and the same information provided (see appendix for sample letters).

The headteacher is responsible for ensuring that the necessary paperwork relating to any suspension or exclusion is prepared as soon as possible and in any event that it is ready to



be sent to the exclusion panel five school days prior to the hearing.

Exclusions Panel

The decision as to whether to reinstate a suspended or excluded student rests with the Exclusion Panel. Within DSAT schools, the Exclusion Panel consists of three people:

- The Chair of the Trust Exclusion Panel - an Executive Headteacher
- A senior leader from another DSAT school (or from another school outside DSAT if appropriate)
- A Local School Board Member.

Parent/carers rights to make representations to the Exclusions Panel

A. If the total number of days suspension in any one term are below five parents/carers have the right to make representations to the Exclusions Panel who will consider these, but the Exclusions Panel does **not** have the authority to overturn the suspension.

B. If the total number of days suspension in any one term is above 5 but below 15 parents/carers have the right to request a Exclusions Panel Hearing. This meeting will be held within 50 days of receiving the suspension notice.

C. If the total number of days suspension in any one term are above 15 the Exclusions Panel **must** convene a statutory meeting to consider reinstatement. A representative of the local authority may attend.

All suspension letters will clearly state the number of days the child has been suspended for in each term to ensure that a panel hearing is convened when required.

Preparing in advance of Exclusion Panel meetings

Panel members should:

- not discuss the suspension or permanent exclusion with any party outside the meeting;
- ask for any written evidence in advance of the meeting, including witness statements and other relevant information held by the school such as those relating to a pupil's SEN and the pupil's academy record;
- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- allow parents and the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the Exclusions Panel should first seek parental consent);
- invite the pupil's social worker, if they have one, and if the pupil is LAC, the Virtual School Head (VSH) to attend;
- comply with their duty to make reasonable adjustments for people who use the



academy and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability with mobility or communication that has an impact upon their ability to attend the meeting or to make representations); and

- identify the steps they will take to enable and encourage the suspended or permanently excluded pupil to attend the meeting and speak on their behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding; or how the suspended or permanently excluded pupil may feed in their views by other means if attending the meeting is not possible.

Considering reinstatement of a student

The Exclusions Panel has a duty to consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

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

The requirements are different for suspensions where a pupil would be suspended for more than five but less than 15 school days in the term. In this case, if the parents make representations, the Exclusions Panel must consider within 50 school days of receiving the notice of exclusion whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the Exclusions Panel is not required to meet and cannot direct the reinstatement of the pupil

Where an exclusion would result in a student missing a public examination, the Exclusions Panel will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Chairperson of the Exclusions Panel will consider the suspension alone and decide whether or not to reinstate the student for the public examination.

The Exclusions Panel can decide to:

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

In reaching a decision, the Exclusions Panel will consider whether the exclusion or suspension was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties and any evidence that was presented to the Panel in relation to the decision to exclude.

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'.

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



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

The Chair of the Exclusions Panel will notify, in writing, the headteacher, parents and the LA (including the LA in which the student resides, if different to the LA in which the Academy is located) of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Exclusions Panel'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 (IRP), and:
 1. The date by which an application for an independent review must be made
 2. The name and address to whom an application for a review (and any written evidence) should be submitted
 3. That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEN are considered to be relevant to the exclusion
 4. That, regardless of whether the excluded student has recognised SEN, parents have a right to require DSAT to appoint an SEN expert to attend the IRP
 5. Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 6. That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
 7. 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 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. 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

The following parties must be invited to a meeting of the Exclusion panel and be allowed to make representations or share information:

- parents (and, where requested, a representative or friend).
- the headteacher
- the child's social worker if the pupil has one; and
- the Virtual School Headteacher if the child is LAC.

The Independent Review (IRP)

If parents apply for an independent review, the Academy will arrange for an independent panel to review the decision of the Exclusion Panel not to reinstate a permanently excluded student.



Applications for an IRP of a decision to not reinstate a student by the Exclusion Panel must be made within 15 school days of notice being given to the parents of the Exclusion Panel's decision. If an IRP is not requested but a Tribunal claim is made for disability discrimination, the parents have an additional 15 school days from the date of the Tribunal's decision.

The IRP must meet within 15 school days of the notice from parents requesting an IRP be arranged.

A panel of three or five members will be constituted in accordance with the regulations and Exclusions Statutory Guidance.

The IRP will decide one of the following, to:

- Uphold the Exclusions Panel's decision;
- Recommend that the Exclusions Panel reconsider reinstatement; or
- Quash the Exclusion Panel's decision and direct that the student be reinstated (only when the decision is judged to be flawed on the basis that it is irrational, illegal or that there were significant procedural improprieties in the Exclusions Panel meeting)

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

The IRP should be attended by a representative of the Exclusion Panel. The need for a representative of the Exclusions Panel is because the headteacher cannot present evidence on behalf of the Panel. The decision-making function of the Exclusions Panel must have taken place without the headteacher being present as otherwise this would be a breach of the exclusions procedure. Therefore, it is necessary for an Exclusions Panel representative to be present to outline how and why the Exclusions Panel's decision was made.

Parents must be advised of the right to require DSAT to appoint an SEN expert to advise the IRP, regardless of whether the permanently excluded student has recognised SEN.

School Registers

A child's name may be removed from the register if:

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

Where an application for an IRP has been made, the schools will wait until that review (and, if relevant, any reconsideration) has concluded before removing a student's name from the register.

Where alternative provision has been made for an excluded student and they attend it, code B (education off-site, if the provision is an approved educational activity that does not involve the pupil being registered at any other school) or code D (dual registration) will be used on the attendance register. Where excluded students are not attending alternative provision, code E (excluded) will be used.



Monitoring arrangements

The monitoring of exclusions is undertaken more regularly, at least each half term, by the DSAT Head of Access to Education, through the use of the Trust's integrated MIS.

It is vital that headteachers ensure all records of suspension or permanent exclusions are entered onto Arbor (MIS) within 24 hours of the exclusion.

Challenge and support from the Trust

Through the school improvement work of the Deputy CEO and minutes from the Local School Board meetings, Trustees will be made aware of all suspensions and exclusions. The Deputy CEO will consider:

- instances where pupils receive repeat suspensions
- interventions in place to support pupils at risk of suspension or permanent exclusion
- rolling average of permanent exclusions to ensure they are used very as a last resort
- 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 children who are suspended or permanently excluded, removed from roll, or educated off site, such as the proportion who have SEND, whether they are supported by social care and have needed social workers, and their ethnic background. This should include considering whether any groups are permanently excluded or moving out of school at a higher rate than others, discussing why this is and whether any changes to practice are required to address disparities
- whether the placements of pupils directed off site into AP are reviewed at sufficient intervals to provide assurance the education is achieving its objectives and that the pupils are benefiting from it.

Statutory requirements

The DfE exclusion statutory guidance, "Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement", September 2023.

Statutory guidance means that Academies should follow this guidance, unless there is good reason not to in a particular case. It is based on the following legislation, which outline schools' powers to exclude students:

- Section 51A of the [Education Act 2002](#),
- [The School Discipline \(Student exclusions and Reviews\) \(England\) 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 students



- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)
- SEND Code of Practice January 2015
- The Education Act 1996

This policy will be reviewed annually.



Appendices - Head teacher checklist for suspension

Exclusion Guidance – Head Teacher’s Checklist	Yes	No
On the balance of probabilities, has the pupil committed the alleged offence?		
Has there been a serious breach (one off) or breaches of the school behaviour policy?		
Does allowing the pupil to remain in school seriously harm their education or health, safety and welfare, or that of others such as staff or other pupils in the school?		
Is this a ‘last resort’ decision following a wide range of strategies implemented from DfE’s ‘Behaviour in Schools’ guidance that have been deemed unsuccessful?		
Is suspension/exclusion the most appropriate response?		
Is the length of suspension/exclusion considered appropriate and proportionate considering the level and nature of the incident?		
Is this suspension for the shortest possible time?		
Has there been involvement from external services, Educational Psychologist, school support staff, and other agencies/services with a relevant, personalised support programme developed and implemented?		
Has advice from services been implemented using an assess, plan, do, review approach?		
Have alternatives to suspension/exclusion been considered? (e.g., restorative approaches, mediation, internal exclusion, alternative provision, managed move and/or an off-site direction)		
<p>Factors to consider:</p> <ul style="list-style-type: none"> • Has the suspension/exclusion been considered ‘in the heat of the moment’? • Has a thorough investigation been carried out? • Has the evidence been reviewed with full consideration being given towards policies and discrimination? • Has the pupil’s version of events been heard - encouraged / considered / recorded? • Are there any mitigating circumstances or is any provocation evident (bullying, harassment etc)? • Is the child looked after by the LA? • Does the child have an EHC plan? • Does the pupil have a social worker? Have they been communicated to and involved in planning? 		
Special Considerations		



Have issues of SEN or disability been considered and reasonable adjustments been made? See Equality Act 2010		
Is this pupil a young carer?		
Is this pupil a Looked after Child?		
In the case of a looked after child, have you contacted the appropriate Designated Teacher (statutory role) in your school, the pupil's social worker and the Virtual School Head to discuss?		
Is the Virtual School Team involved in supporting this pupil?		
Has the governor for looked after children been informed/involved?		
Is this pupil subject to a Child in Need Plan or a Child Protection Plan?		
Where pupil has a social worker, have they been notified and invited to be involved in decisions made?		
Is there an Early Help Assessment and Support Plan in place?		
Have regular Team around the Family (TAF) meetings taken place to review the plan?		
If necessary, have you referred to Social Care? (MASH)		



Headteacher Checklist – Permanent Exclusion

Investigation & Evidence Gathering		
1	Has sufficient evidence been gathered?	
2	Do you have witness statements from any victims (if relevant)? Are they signed and dated? Other children referenced as 'Child A, Child B' etc. throughout?	
3	Do you have witness statements from any staff and students who witnessed the incident (if relevant)? Are they signed and dated?	
4	If you have not taken statements from all witnesses, do you have a rationale for that?	
5	Do you have a statement from the excluded pupil? Is it signed and dated?	
6	If not, was the excluded pupil given sufficient opportunity to give a statement and do you have evidence of this? For example, emails requesting a statement, asking the parents to submit one on the pupil's behalf, giving clear timeframe to do so.	
7	Do the statements corroborate?	
8	If not, have you decided which version you believe on the balance of probabilities and why?	
9	Did the academy follow its behaviour policy and any other relevant policies (if relevant)?	
10	Were correct academy procedures followed when dealing with the incident/behaviour? For example, de-escalation techniques, physical restraint.	
11	Do you believe that the pupil was clear about the academy expectations as set out in the behaviour policy and the potential outcomes?	
12	Do you have a record of strategies and sanctions the academy tried before the exclusion, including internal support and outside agency support? For example, tutor group change, lesson/timetable changes, regular check ins with a member of staff, restorative justice, anger management sessions, counselling, alternative provision, internal suspension, fixed period suspension managed moves.	
13	Have the parents been involved in (and kept informed about) these strategies and sanctions? Collect any records of meetings or contact with parents.	



14	Do you think the academy exhausted all support strategies and interventions for the pupil?	
15	Does the pupil have any identified SEND? a. If yes, does the pupil have an EHCP in place and has appropriate provision been put in place? b. In no, might the pupil have SEND that to date have not been recognised? If so, have any steps been taken to assess?	
16	Have you complied with statutory duties in relation to SEN when administering the exclusion process (if relevant)?	
17	Are there any extenuating circumstances that might reasonably mitigate exclusion for the pupil? For example, family situation, mental health concerns, bereavement, bullying.	
18	Have you included any extenuating circumstances in your considerations?	
19	If you discounted any extenuating circumstances, do you have a rationale for this?	
Making the decision		
20	Do you believe, based on the balance of probabilities, that the pupil has done what is alleged?	
21	Was there a serious breach or persistent breaches of the academy's behaviour policy?	
22	Will allowing the pupil to remain in the academy seriously harm the education or welfare of the pupil or others in the academy?	
23	Do you have a rationale for your answers to questions 20 to 22?	
24	Will this exclusion result in the pupil missing a public exam or National Curriculum test?	



25	Do you consider that the decision to exclude this pupil is lawful, rational, reasonable, fair and proportionate? This judgement will be based on your responses to all the previous questions.	
Checks		
26	Have you (or a colleague) checked the exclusion paperwork for accuracy before issuing?	
Informing parties about the exclusion		
27	Inform the parents immediately, ideally initially in person or by telephone	
28	Send letter to parents	
29	Exclusion resulting in the pupil missing a public exam or National Curriculum test - notify chair, clerk and LA immediately. Clerk will arrange a panel to review the decision.	
30	Notify chair, clerk and LA immediately. Clerk will arrange a panel to review the decision.	
Paperwork for panel (if panel hearing required)		
31	Are statements signed and dated?	
32	Are photographs or other evidence labelled and dated?	
33	Are names anonymous, identifying letters to protect the identity of all other individuals?	
34	Do you have witness statements from any victims (if relevant)? Are they signed and dated?	