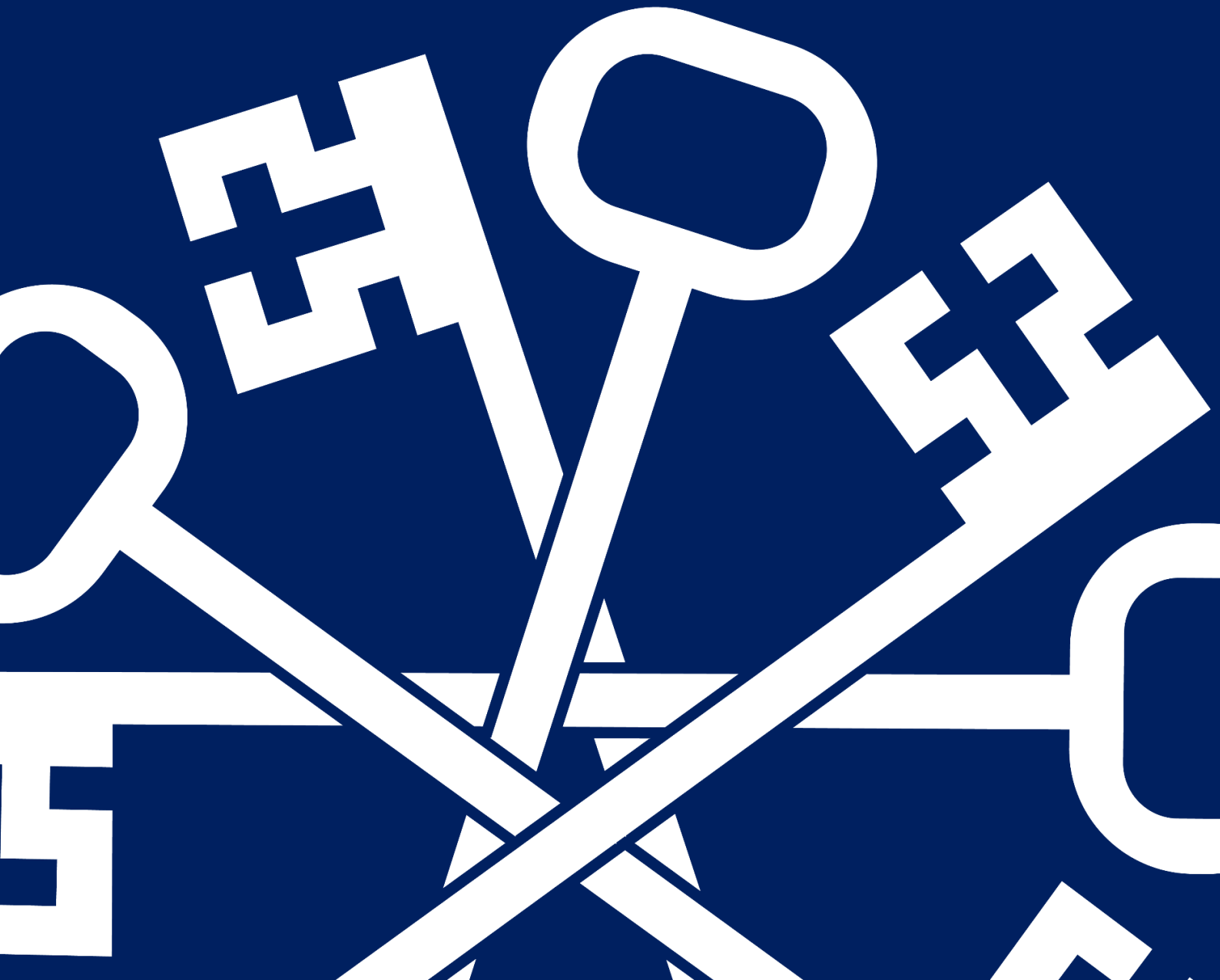




KEYS
ACADEMIES
TRUST

Suspensions and Exclusions Policy Version 3.1



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1. Policy Statement

- 1.1. At the heart of our mission is the belief that every individual has untapped potential waiting to be unlocked. By fostering an environment that challenges and supports growth, we want to create pathways for social mobility. By providing the right tools, guidance, and opportunities, we enable each person to overcome barriers and reach their fullest potential.
- 1.2. We want our academies to not only places of learning but vibrant communities where every person feels they truly belong. Within this students, teachers, and support staff alike should feel they are developing and succeeding. This success should be an achievable reality for all, irrespective of background or circumstance. It may be quite different for each of us, but the key is the feeling of pride in doing well and enjoyment of the journey.
- 1.3. We are committed to building inclusive environments where the uniqueness of every individual is celebrated, and where collective growth is the norm.

2. Change Summary

- 2.1. All changes have been in relation to changes to statutory guidance from the DfE. This policy mirrors the guidance found on the Department for Education's website: <https://www.gov.uk/government/publications/school-exclusion> (School Suspensions and Permanent Exclusions).

3. Aims

- 3.1. This policy is set by Keys Academies Trust ("the Trust") to cover the approach and additional considerations to Suspensions and Exclusion in all of our Trust academies. Each school will manage behaviour using their Behaviour policies, however where the school has exhausted all other options, suspensions and permanent exclusions will sometimes be necessary.
- 3.2. All Trust academies will always have regard to the statutory guidance on Suspensions and Permanent Exclusions (May 2023) when making decisions on any suspension or exclusion and will follow the law, as set out in the relevant School Discipline (Pupil Exclusions and Reviews) (England) Regulation 2012 (as amended).
- 3.3. Our academies aim to ensure that:
 - a) The suspension and exclusions process is applied fairly and consistently
 - b) The suspension and exclusions process is understood by Trustees, governors, staff, parents and pupils
 - c) Pupils in school are safe and happy
 - d) Pupils do not become NEET (not in education, employment or training)
 - e) All suspensions and permanent exclusions are carried out lawfully

- 3.4. This Trust policy should be read in conjunction with the school's individual Behaviour policy and the SEND policy.

4. Legislation and statutory guidance

- 4.1. 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](#).
- 4.2. It is based on the following legislation, which outline schools' powers to exclude pupils:
- a) Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
 - b) [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)
 - c) Sections 64-68 of the [School Standards and Framework Act 1998](#)
- 4.3. In addition, the policy is based on:
- a) Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
 - b) Section 579 of the [Education Act 1996](#), which defines 'school day'
 - c) [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](#)
 - d) [The Equality Act 2010](#)
 - e) [Children and Families Act 2014](#)
- 4.4. This policy complies with our funding agreement and articles of association.

5. Definitions

- 5.1. For the purposes of exclusions, 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.
- 5.2. **Suspensions** (previously called fixed-term exclusions) are where a pupil is prevented from attending the school for a fixed period. At the end of the period, they are expected to return to their school following a reintegration meeting. A pupil may receive a maximum of 45 school days of suspension in an academic year before being permanently excluded.
- 5.3. **Permanent exclusions** are where, subject to a decision of the Pupil Disciplinary Committee to reinstate the pupil to the school, the pupil is prevented from attending the school again. This may be 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.

- 5.4. A **Parent** is any person who has parental responsibility and any person who has care of the pupil.

If a pupil is aged 18 or over, the pupil will be involved in the process instead of the parent / carer and as such, replace 'parent' with 'pupil' throughout the policy.

- 5.5. **Managed Moves** are where a pupil is transferred to another school permanently. All parties, including parents and the LA for the new school should consent before a managed move occurs.

6. The decision to suspend or exclude

- 6.1. Only the Headteacher, or acting Headteacher, can suspend or exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of the school. Every decision made will be proportionate to the seriousness of the behaviour in line with the school's individual Behaviour policy.

- 6.2. A decision to suspend or exclude a pupil will be taken only:

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

- 6.3. A permanent exclusion will be taken as a last resort, and will be made in line with the principles of administrative law; i.e. that it is: lawful; rational; reasonable; fair and proportionate.

- 6.4. When establishing the facts in relation to a suspension or exclusion, the Headteacher must apply the civil standard of proof; i.e. 'on the balance of probabilities'.

- 6.5. Our academies are 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."

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

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

- a) Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- b) Allow the pupil to give their version of events
- c) Consider if the pupil has special educational needs (SEN)
- d) Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))

- e) Consider whether all alternative solutions have been explored, such as off-site direction or Managed Moves.
- 6.8. 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, where appropriate.

7. Role of the Headteacher

- 7.1. If a pupil is at risk of suspension or exclusion, the Headteacher will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour and what further support can be put in place to improve the behaviour.
- 7.2. The headteacher will immediately provide the following information, in writing, to the parents of a suspended or excluded pupil:
- a) The reason(s) for the suspension or exclusion
 - b) The length of a suspension or, for a permanent exclusion, the fact that it is permanent.
 - c) Information about parents' right to make representations about the exclusion to the Pupil Disciplinary Committee and how the pupil may be involved in this
 - d) How any representations should be made
 - e) Where there is a legal requirement for the Pupil Disciplinary Committee 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

The Headteacher will also notify parents by the end of the afternoon session on the day their child is suspended or excluded that for the first 5 school days of a suspension or exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

- 7.3. If alternative provision is being arranged, the following information will be included when notifying parents of a suspension or exclusion:
- a) The start date for any provision of full-time education that has been arranged
 - b) The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
 - c) The address at which the provision will take place

- d) 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, 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 a suspension or exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

7.4. The headteacher will immediately notify the Trust and Academy Committee of:

- a) A permanent exclusion, including when a suspension is made permanent followed by a decision to permanently exclude a pupil.
- b) Suspensions which would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) in a term
- c) Suspensions which would result in the pupil missing a National Curriculum test or public examination

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

The notification will include:

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

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

7.6. 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. If a pupil who is a looked-after child (LAC) is at risk of suspension or exclusion, the Headteacher will inform the Virtual School Head (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 exclude a LAC or a pupil who has a social worker, they will inform the VSH or social worker, as appropriate, without delay that:

- a) They have decided to suspend or exclude the pupil
- b) The reason(s) for the decision
- c) The length of the suspension or, for a permanent exclusion, the fact that it is permanent

- d) The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the Pupil Disciplinary Committee about the suspension or 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 exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

- 7.7. The headteacher may cancel any exclusion that has already begun (or one that has not yet begun), but this should only be done where it has not yet been reviewed by the Pupil Disciplinary Committee. Where an exclusion is cancelled, then:

- a) Parents, the Trust Disciplinary Committee, and the LA should be notified without delay and, if relevant, the social worker and / or VSH;
- b) The reason the permanent exclusion has been cancelled will be provided within the notification;
- c) Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- d) Academies should report to the Academy Committee 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
- e) The pupil should be allowed back into school.

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.

- 7.8. The headteacher will take steps to ensure that work is set for a suspended or excluded pupil not attending alternative provision (AP) for the first five days of the suspension or exclusion. The headteacher will also take such steps if the Pupil Disciplinary Committee makes the decision to reinstate a pupil from a future date, for the period between the decision being made to the date the pupil returns to school.

- a) The work should be achievable and accessible. Online pathways such as Google Classroom or Oak Academy may be used for this.
- b) The work will be marked.
- c) 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.
- d) 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.

8. Role of the Pupil Disciplinary Committee

- 8.1. Responsibilities regarding suspensions and exclusions are delegated to the Pupil Disciplinary Committee, which shall be constituted in accordance with the committee's terms of reference. These terms of reference are reviewed by Trustees at least annually.
- 8.2. The Pupil Disciplinary Committee has a duty to consider the reinstatement of a suspended or permanently excluded pupil in certain circumstances. It has a duty to consider parents' representations about a suspension or permanent exclusion. See section 11.
- 8.3. Within 14 days of receipt of a request, the Academy Committee will provide the secretary of state with information about any exclusions in the last 12 months.
- 8.4. For a suspension of more than 5 school days, the Academy Committee will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.
- 8.5. Provision does not have to be arranged for secondary school pupils in the final year of compulsory education who do not have any further public examinations to sit.
- 8.6. The Academy Committee will challenge and evaluate the data on the school's use of suspension, exclusion, direction to Alternative Provision and Managed Moves. They will consider:
 - a) How effectively and consistently the school's behaviour policy is being implemented
 - b) The school register and absence codes
 - c) Instances where pupils receive repeat suspensions
 - d) Interventions in place to support pupils at risk of suspension or permanent exclusion
 - e) 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
 - f) 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
 - g) The characteristics of suspended and permanently excluded pupils, and why this is taking place
 - h) 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
 - i) The cost implications of directing pupils off-site

9. The LA

- 9.1. For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.
- 9.2. For pupils who are LAC or have social workers, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

10. Safeguarding

including guidance concerning pupils who have abused another pupil (child-on-child abuse)

- 10.1. If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil or if a pupil has been reinstated following the Pupil Disciplinary Committee review, it is likely that there will be complex and difficult decisions that need to be made. It is important that these decisions are made alongside a school's duty to safeguard and support children and their duty to provide an education.
- 10.2. Academies have a statutory duty to make arrangements for safeguarding and promoting the welfare of their pupils. As part of this duty, academies are required to have regard to guidance issued by the Secretary of State. All academies must have regard to Keeping Children Safe in Education.
- 10.3. Furthermore, academies have a statutory duty to co-operate with safeguarding partners once designated as relevant agencies. Equally, safeguarding partners are expected to name academies as relevant agencies and engage with them in a meaningful way. Ultimately, any decisions are for the school to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.
- 10.4. Section 5 of Keeping Children Safe in Education sets out the safeguarding process for cases of reports that relate to rape or assault by penetration and those that lead to a conviction or caution: "When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis." As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, academies should follow general safeguarding principles as found in Keeping Children Safe in Education.

11. Directing off-site / Alternative Provision

- 11.1. Before taking the decision to permanently exclude a pupil, the Headteacher should consider whether a direction to attend alternative provision and / or a managed move as part of a planned intervention would be a reasonable alternative that should be considered.

- 11.2. Off-site direction is where a 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 can be used to arrange time-limited placements at an Alternative Provision or another mainstream school. During the off-site direction to another school, pupils must be dual registered. Where possible, in-school interventions or targeted support from Alternative Provision schools should be used to meet a pupil's individual needs and circumstances, whether behavioural or special educational.
- 11.3. Any use of Alternative Provision should be based on an understanding of the support a child or young person needs in order to improve their behaviour, as well as any SEND or health needs. Off-site direction may only be used as a way to improve future behaviour and not as a sanction or punishment for past misconduct. Off-site direction should only be used where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate and should only be used to arrange a temporary stay
- 11.4. Alternative Provision may be full time or a combination of part time support. A proposed maximum period of time should be discussed and agreed upon as part of the planning phase for an off-site direction.
- 11.5. The nature of the intervention, its objectives, and the timeline to achieve these objectives should be clearly defined and agreed with the provider upfront. The plan should then be frequently monitored and reviewed. Pupils must continue to receive a broad and balanced education, and this will support reintegration into mainstream schooling
- 11.6. While parental consent is not needed, discussions should take place with parents to feed in their views about the options.

12. Managed Moves

- 12.1. A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school.
- 12.2. Managed moves should only occur when it is in the pupil's best interests.
- 12.3. 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 academies 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.
- 12.4. Managed moves should be offered as part of a planned intervention. The original school should be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support, or any statutory assessments were done or explored prior to a managed move.

- 12.5. The managed move should be preceded by information sharing between the original school and the new school, including data on prior and current attainment, academic potential, a risk assessment and advice on effective risk management strategies. It is also important for the new school to ensure that the pupil is provided with an effective integration strategy.
- 12.6. If a parent believes that they are being pressured into a managed move or is unhappy with a managed move, they should follow the Trust's Complaints Policy.

13. Considering the reinstatement of a pupil

- 13.1. The Pupil Disciplinary Committee will consider the reinstatement of an excluded or suspended pupil within 15 school days of receiving the notice of the exclusion if:
- a) The exclusion is permanent;
 - b) It is a suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term (including 15.5 days); or
 - c) It would result in a pupil missing a public examination or National Curriculum test

If requested to do so by parents, the Pupil Disciplinary Committee 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 16, in a single term.

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 Academy Committee must consider any written representations made by parents but cannot direct reinstatement and is not required to arrange a meeting with parents.

Where a suspension or exclusion would result in a pupil missing a public examination or National Curriculum test, the Pupil Disciplinary Committee will consider the reinstatement of the pupil before the date of the examination or test. If this is not practicable, the Pupil Disciplinary Committee will consider the suspension or exclusion and decide whether or not to reinstate the pupil.

- 13.2. The Pupil Disciplinary Committee can either:
- a) Decline to reinstate the pupil, or
 - b) Direct the reinstatement of the pupil immediately, or on a particular date
- 13.3. In reaching a decision, the Pupil Disciplinary Committee will consider whether the suspension or 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 the welfare and safeguarding of the pupil and their peers and any evidence that was presented in relation to the decision to suspend or exclude.
- 13.4. The following parties will be invited to a meeting of the Pupil Disciplinary Committee and allowed to make representations or share information:

- a) Parents, or the pupil if they are 18 or over (and, where requested, a representative or friend)
 - b) 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)
 - c) The headteacher
 - d) The pupil's social worker, if they have one
 - e) The VSH, if the pupil is looked after
- 13.5. 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.
- 13.6. The Pupil Disciplinary Committee 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.
- 13.7. The Pupil Disciplinary Committee will notify, in writing, the headteacher, parents, the LA and, where applicable, the VSH and / or pupil's social worker and the pupil's home authority if it differs from the school's, of its decision, along with reasons for its decision, without delay.
- 13.8. Where an exclusion is permanent and the Pupil Disciplinary Committee has decided not to reinstate the pupil, the notification of the decision will also include the following:
- a) The fact that it is permanent
 - b) Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - i. The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
 - ii. The name and address to whom an application for a review should be submitted
 - iii. 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
 - iv. That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Trust to appoint an SEN expert to attend the review
 - v. Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 - vi. That parents must make clear if they wish for an SEN expert to be appointed in any application for a review

- vii. 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
- c) 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.

14. Remote Access

- 14.1. At the request of a parent / carer, any Pupil Disciplinary Committee and / or IRP meeting can be held via the use of remote access
 - a) Trust academies preferred live video link is Microsoft TEAMS and as such any request for a remote meeting will be held via TEAMS link.
- 14.2. At the time of exclusion, the Headteacher must make parents / carers aware of their right to make a request for a remote meeting.
- 14.3. Meetings may also be held remotely at short notice in unforeseen or extraordinary circumstances, for example:
 - a) Floods
 - b) Fire
 - c) Infectious illness / disease
- 14.4. If the circumstances in point 12.3 are not applicable, and the parent / carer does not request a remote meeting, then any meeting will be held in person.
- 14.5. If the Pupil Disciplinary Committee and / or IRP deem a remote meeting to be unfair or lack transparency, they have the right to rearrange a face-to-face meeting, due to the following:
 - a) Participants do not have access to the relevant technology
 - b) Participants experience technical issues

This will be rearranged without delay.
- 14.6. Social workers and VSHs can join remotely, regardless of whether or not the meeting is being held in person, so long as they can contribute effectively.
- 14.7. If a parent / carer decides that they would rather hold the meeting in person after originally requesting a remote meeting, they should inform the Pupil Disciplinary Committee or IRP Clerk without delay.
- 14.8. At the beginning of any remote meeting, the Pupil Disciplinary Committee or IRP will explain clear guidance on how the meeting will be run, for example:

- a) how participants should indicate they wish to speak
- b) how any 'chat' functions should be used
- c) whether there will be any breaks in proceedings
- d) how parents and excluded pupils can access advocacy services during the meeting.

14.9. The use of remote access does not alter other procedural requirements that apply to Pupil Disciplinary Committee or IRPs.

For example, if a parent / carer has requested the appointment of a Special Educational Needs (SEN) expert to advise an IRP, this will be provided even in a remote setting.

15. CCTV, Witness Evidence and Pupil Views

- 15.1. The Trust uses Close Circuit Television (CCTV) within some of its premises. This is to provide a safe and secure environment for pupils, staff and visitors. If behavioural incidents are captured via CCTV, the footage may be used as part of the investigation and the content considered before imposing a sanction. If CCTV is relied upon for a decision on a suspension or exclusion, it may be used as evidence during a pupil disciplinary meeting, with necessary redactions in compliance with the school CCTV and Trust GDPR policies.
- 15.2. Where witness evidence is relied upon to reach a decision on a suspension or exclusion, whether from a pupil or staff member, statements will be taken and signed and may be called upon as evidence during a pupil disciplinary meeting, with necessary redactions in compliance with the Trust GDPR and Data Protection policies.
- 15.3. Where appropriate, the Headteacher will take into account the pupil's views, considering these in light of their age and understanding, and inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil will be given support to express their views, including through advocates such as parents or, if the pupil has one, a social worker. The Headteacher will also take into account any contributing factors identified after an incident has occurred.

16. An independent review

- 16.1. If parents apply for an independent review, the Trust will arrange for an independent panel to review the decision of the Pupil Disciplinary Committee not to reinstate a permanently excluded pupil.
- 16.2. Applications for an independent review must be made within 15 school days of notice being given to the parents by the Pupil Disciplinary Committee of its decision to not reinstate a pupil.

- 16.3. 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) 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
 - b) 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
 - c) Headteachers or individuals who have been a headteacher within the last 5 years
- 16.4. A person may not serve as a member of a review panel if they:
- a) Are a Member of Trustee / Director of the Trust or member of the Academy Committee of the excluding school
 - b) Are the Headteacher of the excluding school, or have held this position in the last 5 years
 - c) Are an employee of the Trust (unless they are employed as a headteacher at another school)
 - d) Have, or at any time have had, any connection with the Trust, school, Academy Committee, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
 - e) Have not had the required training within the last 2 years (see appendix 1 for what training must cover)
- A clerk will be appointed to the panel.
- 16.5. 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.
- 16.6. Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.
- 16.7. 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.
- 16.8. 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.
- 16.9. 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.

- 16.10. The independent panel will decide one of the following:
- a) Uphold the Pupil Disciplinary Committee decision
 - b) Recommend that the Pupil Disciplinary Committee reconsiders reinstatement
 - c) Quash the Pupil Disciplinary Committee's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)
- 16.11. 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.
- 16.12. 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 Pupil Disciplinary Committee at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the Pupil Disciplinary Committee and that it ought to have considered if it had been acting reasonably.
- 16.13. If evidence is presented that the panel considers it is unreasonable to expect the Pupil Disciplinary Committee 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 Pupil Disciplinary Committee reconsider reinstatement.
- 16.14. The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.
- 16.15. Once the panel has reached its decision, the panel will notify all parties in writing without delay. This notification will include:
- a) The panel's decision and the reasons for it.
 - b) Where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the pupil within 10 school days.
 - c) Any information that the panel has directed the governing board to place on the pupil's educational record.
- 16.16. Where the panel either recommends reconsideration or quashes the initial decision of the Pupil Disciplinary Committee, the decision will be reconsidered within 10 school days. This may involve a rehearing with oral evidence given by the academy and parents or may be a reconsideration with only members of the committee and the clerk present.

17. School registers

- 17.1. A pupil's name will be removed from the school admissions register if:
- a) 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

- b) 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 Pupil Disciplinary Committee will wait until that review has concluded before removing a pupil's name from the register.

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

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

- 17.3. 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:

- a) The pupil's full name
- b) The full name and address of any parent with whom the pupil normally resides
- c) At least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- d) The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion)
- e) 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
- f) 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

- 17.4. 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.

18. Returning from a suspension

- 18.1. Following a suspension, a reintegration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate. The meeting can proceed without the parents in the event that they cannot or do not attend. The school expects all returning pupils and their parents to attend their reintegration

meeting, but pupils who do not attend will not be prevented from returning to the classroom.

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

- a) Agreeing a behaviour contract
- b) Putting a pupil 'on report'
- c) Internal isolation
- d) Restorative meetings where applicable
- e) The introduction of a temporary and time limited part-time timetable
- f) Temporary and time limited placement at alternative provision in an attempt to support behaviour and to avoid permanent exclusion

19. Monitoring arrangements

19.1. The Headteacher of a Trust school monitors the number of suspensions and exclusions every term and reports back to the Academy Committee as per the Governance Planner. They also liaise with the Local Authority to ensure suitable full-time education for suspended and excluded pupils. The CEO of the Trust monitors the number of suspension and exclusions across the Trust and reports back to the Trust Board as per the Governance Planner.

19.2. This policy will be reviewed by the CEO every 3 years, or when new statutory guidance has been issued. At every review, the policy will be shared with the Board of Trustees and the Academy Committees.

20. Links with other policies

20.1. This exclusions policy is linked to our:

- a) Behaviour policies
- b) SEND policy

21. Version History

| VERSION | ACTION | RESPONSIBLE | DATE |
|---------|--|--------------------|------------|
| 1.0 | Trust policy approved by People and Infrastructure Committee | Pamela Kilbey, CEO | 07/03/2022 |
| 2.0 | Trust policy reviewed in line with Statutory update | Ian Young, CEO | 21/09/2022 |
| 3.0 | Trust policy reviewed in line with Statutory update | Ian Young, CEO | 06/06/2023 |

| | | | |
|-----|--|----------------|------------|
| 3.1 | Reviewed definition and make-up of the Pupil Disciplinary Committee (previously Governors' Disciplinary Committee) | Ian Young, CEO | 29/02/2024 |
|-----|--|----------------|------------|



22. Appendix 1: Independent review panel training

22.1. Keys Academies Trust 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.

22.2. Training must have covered:

- a) 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
- b) The need for the panel to observe procedural fairness and the rules of natural justice
- c) The role of the chair and the clerk of a review panel
- d) The duties of headteachers, Academy Committees and the panel under the Equality Act 2010
- e) 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