



KINGSDOWN SCHOOL

Suspension and Permanent Exclusion Policy

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| Approved by: | Full Governors | Date: 13th June 2024 |
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| Last reviewed on: | June 2024 |
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| Next review due by: | June 2025 |
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Statement of intent

At Kingsdown School, we understand that good behaviour is essential for promoting a high-quality education.

Amongst other consequences, the school recognises that suspension and exclusion of students may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending or excluding a student may also be required in instances where allowing the student to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding students should only be used as a means of last resort.

The school has created this policy to clearly define the legal responsibilities of the Headteacher, governing board and LA when responding to student suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a student's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

A "suspension" is defined as the temporary removal of a student from the school for behaviour management purposes. A student may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.

An "exclusion" is defined as the permanent removal of a student from the school, in response to a serious breach or persistent breaches of the school's Behaviour Policy, and where allowing the student to remain in school would seriously harm the education or welfare of the students or staff in the school.

Aims:

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

Our school aims to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and students understand the exclusions process
- Ensure that students in school are safe and happy
- Prevent students from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully
- *The safeguarding of the student being excluded is paramount and all safeguarding checks are made to ensure this in place*

A note on off-rolling

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

“The practice of removing a student 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 student.”

We will not suspend or exclude students unlawfully by directing them off site, or not allowing students 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.

Legislation and statutory guidance:

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded students) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (student Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023
- The European Convention on Human Rights (ECHR)

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2023) 'Suspension and Permanent Exclusion from maintained schools, academies and student referral units in England, including student movement'
- DfE (2022) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

This policy operates in conjunction with the following school policies:

- Behaviour Policy
- Anti-bullying Policy
- student Code of Conduct
- Special Educational Needs and Disabilities (SEND) Policy
- Social, Emotional and Mental Health (SEMH) Policy
- Child Protection and Safeguarding Policy

Definitions:

Suspension – when a student is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion – when a student 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 board of a maintained school requires a student to attend another education setting temporarily, to improve their behaviour.

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

Swindon Schools Together protocol (SST)(Managed move) – when a student 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.

Grounds for suspension or exclusion

The school will only suspend or exclude a student where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour Policy, have failed to be successful.

The following examples of behaviour may warrant the decision to suspend or exclude a student:

- Physical assault against a student
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a student
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Bullying
- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse

students can be suspended on a fixed-period basis, i.e. for up to 45 school days within a year, or permanently excluded. Similarly, students can be permanently excluded following a suspension, where further evidence is presented. In all cases, the Headteacher will decide whether a student will be subject to a suspension or an exclusion, depending on what the circumstances warrant. The school has the power to direct a student off-site to improve their behaviour.

Definitions.

Misbehaviour is defined as:

- Disruption in lessons, in corridors between lessons, and at break and lunchtimes
- Non-completion of classwork or homework
- Poor attitude
- Incorrect uniform
- Not following a direct instruction first time

Serious misbehaviour is defined as:

- Repeated breaches of the school rules
- Any form of bullying
- Sexual violence, such as rape, assault by penetration, or sexual assault (intentional sexual touching without consent)
- Sexual harassment (Child on Child Abuse) - meaning unwanted conduct of a sexual nature, such as:
 - Sexual comments
 - Sexual jokes or taunting
 - Physical behaviour like interfering with clothes
 - Online sexual harassment such as unwanted sexual comments and messages (including on social media), sharing of nude or semi-nude images and/or videos, or sharing of unwanted explicit content
- Vandalism
- Theft
- Fighting
- Smoking
- Intimidating behaviour towards staff/students
- Racist, sexist, homophobic or discriminatory behaviour
- Possession of any prohibited items. These include:
 - Knives or weapons
 - Alcohol
 - Illegal drugs
 - Stolen items
 - Tobacco and cigarette papers / vape pens
 - Fireworks
 - Pornographic images
 - Any article a staff member reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the student)

Bullying

Bullying is defined as the repetitive, intentional harming of one person or group by another person or group, where the relationship involves an imbalance of power.

Bullying is, therefore:

- Deliberately hurtful
- Repeated, often over a period of time
- Difficult to defend against
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Bullying can include:

| Type of bullying | Definition |
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| Emotional | Being unfriendly, excluding, tormenting, intimidation |
| Physical | Hitting, kicking, pushing, taking another's belongings, any use of violence |
| Prejudice-based and discriminatory, including: <ul style="list-style-type: none">· Racial· Faith-based· Gendered (sexist)· Homophobic /biphobic· Transphobic· Disability -based | Taunts, gestures, graffiti or physical abuse focused on a particular characteristic (e.g. gender, race, sexuality) |
| Sexual | Explicit sexual remarks, display of sexual material, sexual gestures, unwanted physical attention, comments about sexual reputation or performance, or inappropriate touching |

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| Direct or indirect verbal | Name-calling, sarcasm, spreading rumours, teasing |
| Cyber-bullying | Bullying that takes place online, such as through social networking sites, messaging apps or gaming sites |

Details of our school's approach to preventing and addressing bullying are set out in our anti-bullying policy.

Fixed Term Suspensions

As a last resort, Fixed Term Suspensions (FTS) may be used as a sanction to poor behaviour. This will be communicated to parents through a phone call and a letter. Following a FTS, a reintegration meeting will be held prior to the student returning to school. A parent will be required to attend this meeting during which our Graduated Response to suspension will be discussed. Alongside this, appropriate support will be put in place to support students and guide them to improve their behaviour.

Permanent Exclusions

At the discretion of the Headteacher, a student may be permanently excluded in response to repeated or one-off serious breaches of the School's Behaviour Policy, as outlined in the Definitions above. A student may be permanently excluded if allowing the student to remain in the School would seriously harm the education or welfare of the student or others within the School. A permanent exclusion is also the final step on the graduated response, when a student has failed to respond to support or interventions and has failed their Pastoral Support Plan. At any stage during this graduated response, the school may recommend a Managed Move or direct that a student is educated at an alternative provision for a period of time. At all points, the school will work with families to provide the most appropriate form of support. However, where required the school has the power to enforce certain behaviour interventions. All sanctions and support put in place are informed by the contextual information, contributing factors and 'protected characteristics' of a student. This is implemented on a bespoke package driven by the needs of the individual student. All exclusions are at the discretion of the Headteacher.

Roles and responsibilities:

The Headteacher

Only the Headteacher has the power to suspend or exclude a student from the school, and is able to decide whether either a suspension or exclusion is appropriate. All suspensions and exclusions will only be issued on disciplinary grounds.

The Headteacher is able to suspend students where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day. The Headteacher is also able to consider a student's disruptive behaviour outside of the school premises as grounds for suspension or exclusion, in accordance with the school's Behaviour Policy.

When sending a student home following any suspension or exclusion, the Headteacher will ensure that they exercise their duty of care at all times and will always inform the parents.

Any decision made to suspend or exclude a student will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the school's wider legal duties, including the ECHR. At all times, the Headteacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds and will not increase the severity of a student's suspension or exclusion on these grounds.

The Headteacher will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The Headteacher may cancel any suspension or exclusion that has already begun, or one that has not yet begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the governing board.

Where a suspension or exclusion is cancelled, the Headteacher will notify the student's parents, the governing board, the LA, and, where relevant, the virtual school head (VSH) and the student's social worker. The notification will also provide the reason for the cancellation. The Headteacher will offer the student's parents the opportunity to meet with the Headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the student will be allowed back into school without delay.

When a suspension or exclusion is cancelled, the governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.

Any days spent out of school as a result of a suspension or exclusion prior to it being cancelled will count towards the maximum 45 school days that a student can be suspended or excluded in an academic year. A permanent exclusion will not be cancelled if the student has already been suspended or excluded for more than 45 school days in an academic year or if they will have been so by the time the cancellation takes effect.

The Headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation,

to the governing board once per term, to allow the governing board to have appropriate oversight.

The Headteacher will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g. sending a student home to 'cool off', regardless of whether the parents have agreed to this. The Headteacher will not use the threat of suspension or exclusion as a means of instructing parents to remove their child from the premises.

Deciding whether to suspend or exclude

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

When considering the suspension or exclusion of a student, the Headteacher will:

- Allow the student the opportunity to present their case once evidence has been collected.
- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the student's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the student has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess students who demonstrate consistently poor behaviour.

The Headteacher will consider what extra support may be available for vulnerable student groups whose suspension and exclusion rates are higher, to reduce their risk of suspension or exclusion, including the following:

- CLA
- students eligible for FSM
- students with SEND
- Certain ethnic groups

The Headteacher will consider avoiding excluding LAC, those with SEMH issues or students with an EHC plan. Where any member of staff has concerns about vulnerable student groups and their behaviour, they will report this to the

Headteacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities. The full assessment procedures are outlined in the school's Social, Emotional and Mental Health (SEMH) Policy.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's Behaviour Policy. If the student continues to endanger the physical or emotional wellbeing of other students or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered. In accordance with the Equality Act 2010, under no circumstances will a student with identified SEND or SEMH issues be suspended or excluded before the graduated response process has been completed.

Where a student with SEND or SEMH issues is excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these students are closely tracked and showing that the school has a close relationship with the student's next destination.

The Headteacher will work in conjunction with the parents of any student with additional needs to establish the most effective support mechanisms.

A decision to suspend or exclude a student will be taken only:

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

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

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the student to give their version of events
- Consider whether the student has special educational needs (SEN)
- Consider whether the student is especially vulnerable (e.g. the student has a social worker, or is a looked-after child (CLA))
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves

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

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

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

Informing parents

If a student 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 student's behaviour, and what further support can be put in place to improve the behaviour.

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

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

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a student, and that parents (or the student if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

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, if possible:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant

- The address at which the provision will take place
- Any information the student needs in order to identify the person they should report to on the first day

If the Headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

Informing the governing board

The Headteacher will, without delay, notify the governing board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a student
- Any suspension or permanent exclusion which would result in the student being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the student missing a National Curriculum test or public exam

The Headteacher will notify the governing board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

Informing the local authority (LA)

The Headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

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

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

Informing the student's social worker and/or virtual school head (VSH)

If a:

- student with a social worker is at risk of suspension or permanent exclusion, the Headteacher will inform the social worker as early as possible
- student who is a looked-after child (CLA) 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 student's behaviour, and what further support can be put in place to improve the behaviour.

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

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

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

Cancelling suspensions and permanent exclusions

The Headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents, governing board 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
- As referred to above, the Headteacher will report to the governing board once per term on the number of cancellations
- The student will be allowed back in school

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

During the first 5 days of a suspension, if the student is not attending alternative (AP) provision, the Headteacher will take steps to ensure that achievable and accessible work is set and marked for the student. Online pathways such as Google Classroom or Oak Academy may be used for this. If the student has a

special educational need or disability, the Headteacher will make sure that reasonable adjustments are made to the provision where necessary.

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

Arranging education for suspended and excluded students

For any suspensions of more than five school days, the governing board will arrange suitable full-time education for the student, which will begin no later than the sixth day of suspension. Where a student receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension. For exclusions, full-time education will be provided for the student from the sixth day of exclusion.

The governing board will not arrange full-time education for any student who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.

The governing board is aware that it is beneficial to suspended and excluded students to begin their alternative education arrangements before the sixth day of suspension or exclusion; therefore, the governing board will always attempt to arrange alternative provision before the sixth day. Where it is not possible to arrange alternative provision during the first five days, the school will ensure that they take reasonable steps to set and mark work for the student.

If a student with SEND has been suspended or excluded, the governing board will ensure that:

- Any alternative provision is arranged in consultation with the student's parents, who are able to request preferences.
- When identifying alternative provision, any EHC plan is reviewed or the student's needs are reassessed, in consultation with the student's parents.

The Governing Board

Considering suspensions and permanent exclusions

The governing board has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded student (see sections 5 and 6) in certain circumstances.

Within 14 days of receiving a request, the governing board will provide the secretary of state and Swindon Borough council with information about any suspensions or exclusions within the last 12 months.

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

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

Monitoring and analysing suspensions and exclusions data

The governing board will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves. The governors will have the termly data dashboard where they can access the breakdown of behaviour data and will also have 1-2-1 meetings with the AHT for Attitudes and Engagement.

The governing board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where students receive repeat suspensions
- Interventions in place to support students at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- 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 students, and why this is taking place
- Whether the placements of students directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that students are benefiting from it
- The cost implications of directing students off-site

The local authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For students who are CLA 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.

- Considering the reinstatement of a student

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

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

In the case of a suspension where the student's total number of suspended days is more than 5 but less than 16 school days (this includes suspensions that exceed 15 school days by less than a whole day, e.g. one that totals 15.5 days) within a term, if parents make representations, the governing board will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the governing board will consider the reinstatement on their own.

Where a suspension will take a student's total number of school days out of school above five but less than 15 for the term, and parents have not requested a governing board meeting, the governing board will not be required to consider the student's reinstatement but it will have the power to do so if it deems it appropriate.

Where a suspension will not bring a student's total number of days of suspension or permanent exclusion to more than five days in a term, the governing board will consider all representations made by parents; however, the board cannot direct the reinstatement of the student and it is not required to arrange a meeting with parents.

Where suspension or exclusion would result in a student missing a public examination, the governing board will consider the suspension or exclusion before the test to decide whether the student should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of governors to consider the decision before the examination, the chair of governors, or the vice chair of governors if necessary, will consider the suspension or exclusion alone and decide whether or not to reinstate the student.

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

- Parents, or the student if they are 18 or over (and, where requested, a representative or friend)

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

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

The governing board can either:

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

In reaching a decision, the governing board will consider:

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

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

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

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

- The parents, or the student, if they are 18 or older
- The Headteacher
- The student's social worker, if they have one
- The VSH, if the student is looked after
- The local authority
- The student's home authority, if it differs from the school's

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

- The fact that it is a permanent exclusion
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel

- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the student's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded student has recognised SEN, parents have a right to require the Local Authority to appoint an SEN expert to advise the review panel
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That, if parents believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

Independent review

If parents apply for an independent review within the legal timeframe, the Local Authority will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing board of its decision to not reinstate the student or, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

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

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer

- Current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Headteachers during this time
- Headteachers or individuals who have been a Headteacher within the last 5 years

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

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

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

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

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

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

Where a VSH is present, the panel must have regard to any representation made by the 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 student's permanent exclusion.

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

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement

- Quash the governing board's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

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

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

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

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

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

This notification will include:

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

School registers

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

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

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

While the student's name remains on the school's admission register, the student's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

Making a return to the LA

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

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

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

Independent review panel

The LA will review the governing board's decision not to reinstate an excluded student if the parents submit their application for this within the required time frame.

The LA will constitute an independent review panel of three or five members that represent the following categories:

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity
- A current or former school governor who has served for at least 12 consecutive months in the last 5 years

- A Headteacher or individual who has been a Headteacher within the last 5 years

Parents are required to submit their applications within:

- 15 school days of the governing board's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of the above timeframe will not be reviewed. Parents are able to request an independent panel review even if they did not make a case to, or attend, the governing board's initial consideration of the exclusion.

Parents can request that independent review panels take place via remote access.

The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance.

Appointing a SEND expert

If requested by parents in their application for an independent review panel, the LA will appoint a SEND expert to attend the panel and covers the associated costs of this appointment. Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

The LA will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

An individual will not serve as a SEND expert if they have, or at any time have had, any connection with the LA, school, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the LA.

The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals include educational psychologists, specialist SEND teachers, SENCOs and behaviour support teachers.

Recently retired individuals are not precluded from fulfilling this role; however, during interview, the LA will assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the LA, they will not have had any previous involvement in the assessment or support of SEND for the excluded student, or siblings of the excluded student. The LA will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

The final decision on the appointment of a SEND expert is for the LA to make, but it will take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents a choice of SEND expert. In order to meet its duties within the statutory time frame, the LA will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.

The LA will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

Safeguarding and Attendance

The safeguarding of students during a period of fixed term exclusion is of paramount importance. At KDS we ensure the following is adhered to:

- Where there has been a breach in the Behaviour policy, reasonable adjustments are made for students whose behaviours have been linked to their SEN/EHCP
- Twice daily attendance check in with parents/carers
- For students where there are safeguarding concerns, all alternatives to exclusion are explored e.g. Internal exclusion
- Remote learning is set so students can stool access live learning

Returning from a suspension

Reintegration strategy

Following suspension, the school will put in place a strategy to help the student reintegrate successfully into school life and full-time education.

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

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- A review of the student's attitude and engagement in line with the Graduated response
- Discuss the student at the student support panel to ensure key professionals are clear on the barriers and next steps

- Assess all SEN and learning needs to identify barriers
- Complete a student profile
- Complete an Early help assessment if behaviours become persistent
- Regular reviews with the student and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the student, parents and staff of potential external support
- All action points are typed up and uploaded to CPOMS with clear dates and lead professionals identified

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

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

Reintegration meetings

The school will explain the reintegration strategy to the student in a reintegration meeting before or on the student's return to school. The meeting will be chaired by a member of SLT and supported by the Progress Leader. The meeting will start with the student sat outside of the room to enable the professionals and parents/carers to have a more open conversation. The student will then be invited into the meeting to review the incident and agreed actions. During the meeting the school will communicate to the student that they are getting a fresh start and that they are a valued member of the school community.

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

The meeting can proceed without the parents in the event that they cannot or do not attend; however the expectations are that parents attend to support with engaging the student.

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

Monitoring arrangements

The school will collect data on the following:

Attendance, permanent exclusions and suspensions

Use of student referral units, off-site directions and managed moves

Anonymous surveys of staff, students, governors and other stakeholders on their perceptions and experiences

The data will be analysed every term by The Assistant Head teacher- Attitudes and Engagement. The AHT will report back to the [Headteacher/governors

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By time of day/week/term
- By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of students are identified by this analysis, the school will review its policies in order to tackle it.

Links with other policies

This exclusions policy is linked to our:

- *Behaviour for Learning policy*
- *SEN policy and information report*
- *Child Protection & Safeguarding Policy*
- *Attendance Policy*
- *Child Looked After Policy*
- *Anti-bullying Policy*

Signed by :
Emma Leigh-Bennett

Signed by :
Vanessa Edwards

Date :

Date :

Behaviour for Learning Pyramid

ACHIEVEMENTS



Appendix 1

Independent review panel training The RLT 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 Headteacher's, governing boards 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*