# SUSPENSIONS AND EXCLUSIONS POLICY

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| **ODBST Level 1 Statutory Policy:** | **ALL** Schools require this policy with **no changes** allowed to core text. No changes are necessary to personalise this with school name and branding, as this is a Trust level policy for use, without change, by all schools, **except** where a school contact is required as identified in the content of the policy. LGBs will **note** adoption in LGB meetings. Review will take place at Trust level, and schools will be notified of updates and review dates as necessary. |
| **Other related ODBST policies and procedures:** | ODBST Behaviour Policy<br>ODBST Anti Bullying Policy<br>ODBST SEND Policy<br>ODBST Safeguarding and Child Protection Policy<br>Individual school SEND Local Offer |
| **Committee responsible:** | SEC |
| **Approved by:** | Executive Committee |
| **Date Approved:** | 14th November 2023 |
| **Review Date:** | Autumn Term 2025 |

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

## 1. Aims

The ODBST aims to:

- ensure that the exclusions process is applied fairly and consistently;
- help governors, staff, parents and pupils understand the exclusions process;
- ensure that pupils in school are safe and happy;
- prevent pupils from becoming absent from education;
- ensure all suspensions and permanent exclusions are carried out lawfully.

The ODBST does not support any form of off-rolling and does not expect any ODBST school to engage in this practice. 'Off-rolling' is a form of gaming and occurs where a school makes the decision, in the interests of the school and not the pupil, to:

- remove a pupil from the school roll without a formal, permanent exclusion, or
- encourage a parent to remove their child from the school roll, or
- retain a pupil on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension.

The ODBST will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure contained in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- due to a pupil's poor academic performance, or
- because the pupil hasn't met a specific condition, such as attending a reintegration meeting.

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.

**2. Legislation and statutory guidance**

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

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

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

In addition, this policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014
- The Equality Act 2010
- Children and Families Act 2014
- The School Inspection Handbook, which defines 'off-rolling'

This policy complies with the ODBST funding agreement and articles of association.

**3. Definitions**

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

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

Off-site direction – when a governing board of a maintained school requires a pupil 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.

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

**4. Responsibilities**

**4.1 The Headteacher**

**4.1.1 Deciding whether to suspend or exclude**

Only the Headteacher, or acting Headteacher, can suspend or permanently exclude a pupil 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.

The decision to suspend or exclude a pupil will be taken only:

- in response to serious or persistent breaches of the ODBST behaviour policy, **and**
- if allowing the pupil to remain in school would seriously harm the education or welfare of others.

Suspensions

A suspension should be for the shortest time necessary and is only issued when no other alternative means are possible. Suspension for a period of time from half a day to 5 days for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies.

A suspension may be used in response to a serious breach of school rules and policies or a disciplinary offence. In such cases the Headteacher will investigate the incident thoroughly and consider all evidence to support the allegation, taking account of the school's policies.

The pupil will be encouraged to give his/her version of events and the Headteacher will check whether the incident may have been provoked, for example by bullying or racial harassment.

The Director of Education/Executive Safeguarding Lead should be notified of all suspensions within 48 hours.

Permanent exclusion

A permanent exclusion is a very serious decision and one which should only be taken if all other means of support or discipline have been exhausted or there is no alternative due to the severity of an incident.

A permanent exclusion should not be issued before first discussing the allegation/incident with the Director of Education.

It will be in response to a very serious breach of school rules and policies or a disciplinary offence such as: i. Serious actual or threatened violence against another pupil or a member of staff; ii. Possession or use of an illegal drug on school premises; iii. Persistent bullying; iv. Persistent harassment.

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

- consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked;
- allow the pupil to give their version of events where this is reasonable and appropriate;
- consider whether the pupil has special educational needs (SEND);
- consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC));
- consider whether all alternative solutions have been explored, such as off-site direction or managed moves;
- ensure that there is sufficient recorded evidence to support the decision;
- explain the decision to the pupil where appropriate;
- state the length of the exclusion and any terms or conditions agreed for the pupil's return;
- in cases of more than a day's exclusion, ensure that appropriate work is set and that arrangements are in place for it to be marked (supports the section later on in the policy);
- plan how to address the pupil's needs and integration back into their class on their return; plan a meeting with parents and pupil on his/her return;

The Headteacher will also consider any advice from local authority officers and the ODBST Director of Education/Executive Safeguarding Lead.

Safeguarding

A suspension or exclusion will not be enforced if doing so may put the safety of the pupil at risk. In cases where parents will not comply by, for example, refusing to collect the child, the child's welfare is the priority.

In this situation, depending on the reason for exclusion, the school may consider an internal exclusion until the end of the day, implementing the original exclusion decision from the time the child is collected from school, or, in more severe circumstances the school may contact Social Services and/or the Police to safely take the pupil off site.

Behaviour outside school

Pupils' behaviour outside school, on school business, e.g. on school trips, at sports fixtures, is subject to the school's behaviour policy.

Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school.

Pupils with special educational needs/disabilities (SEND)

The school must take account of any special educational needs when considering whether or not to exclude a pupil.

The ODBST has a legal duty under the Disability Discrimination Act 2005 and the Equality Act 2010 as amended not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability. The Headteacher should ensure that reasonable steps have been taken by the school to respond to a pupil's SEND so the pupil is not treated less favourably for reasons related to the disability.

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.

**4.1.2 Informing parents**

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.

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

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

- the reason(s) for the suspension or permanent exclusion;
- the length of the suspension or, for a permanent exclusion, the fact that it is permanent;
- information about the parents' right to make representations about the suspension or permanent exclusion to the Local Governing Body and, where the pupil is attending alongside parents, how they may be involved in this;
- how any representations should be made;
- where there is a legal requirement for the Local Governing Body to hold a meeting to consider the reinstatement of a pupil, and that parents have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend;
- that parents have the right to request that the meetings be held remotely, and how and to whom they should make this request.

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

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

If alternative provision is being arranged, the following information will be included, 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 pupil 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.

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

**4.1.3 Informing the Director of Education and Local Governing Body**

The Headteacher will, without delay, notify the Director of Education and Local Governing Body of:

- any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil;
- any suspension or permanent exclusion which would result in the pupil 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 pupil missing a National Curriculum test or public exam;
- any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation.

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

The Headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

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

If a pupil with a social worker is at risk of suspension or permanent exclusion, the Headteacher will inform the social worker as early as possible and always within 24 hours.

If a pupil who is a looked-after child (LAC) is at risk of suspension or exclusion, the Headteacher will inform the VSH as early as possible and always within 24 hours.

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

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

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

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

**4.1.6 Cancelling suspensions and permanent exclusions**

The Headteacher may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the local governing body. Where there is a cancellation:

- the parents, Local Governing Body and LA will be notified without delay;
- where relevant, any social worker and VSH will be notified without delay;
- the notification must provide the reason for the cancellation;
- the Local Governing Body's duty to hold a meeting and consider reinstatement ceases;
- parents will be offered the opportunity to meet with the Headteacher to discuss the cancellation, which will be arranged without delay;
- the pupil will be allowed back in school without delay.

Any days spent out of school as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

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.

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

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

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

### 4.2 The Local Governing Body

In advance of the Governing Body Disciplinary Committee, the Headteacher will prepare an exclusion report with numbered pages which explains why the pupil was excluded. The report will include:

- a profile sheet including basic information about the pupil
- an overview of the case including a detailed account of the reason(s) for the suspension
- the fact that the current DfE suspensions guidance has been adhered to;
- where relevant, that a full range of behaviour modification strategies has been attempted without lasting success;
- an explicit statement as to what mitigating and aggravating factors apply in this case;
- an indication of how the sanction that has been applied is consistent with the ODBST behaviour policy;
- a statement to explain how the ODBST expectations about behaviour are communicated to pupils and parents;
- a statement to the effect that the decision is consistent with the way that similar cases have been dealt with in the past and that others who may have been involved in the present suspension have been dealt with in a manner proportionate to their involvement;
- the alternative sanctions that were considered (if applicable);
- an indication of the consultations that took place before the decision to exclude was finally reached;
- where applicable, the fact that the pupil and their parents were warned of the risk of permanent exclusion;
- in the case of a pupil with SEND, or a looked-after pupil, that the relevant DfE guidance was considered before the decision to exclude was taken;
- that in reaching the decision, equal opportunity legislation was complied with;
- where appropriate, a comment from the Headteacher of their duty of care and the need to balance the needs of the individual against the needs of the whole school community;
- a list of the interventions that have taken place to modify the pupil's behaviour, including a table to show any fixed-term suspensions that have been applied, with dates, duration, and reasons. This should be augmented with appropriate evidence, such as a copy of the support plans and reports of reviews that have taken place, and letters to parents;
- a behaviour log containing brief details of past incidents with the relevant dates and actions taken. Do not include a behaviour log for a pupil charged with a one-off offence, unless the previous behaviour is like that which led to the suspension;
- details of any investigation that has taken place including, where appropriate, witness statements which should normally be attributed and dated, and diagrams and photographs where relevant;
- a copy of the ODBST behaviour policy highlighting the part which indicates that suspension imposed is a sanction that might be applied in the circumstances alleged;
- where relevant, that a full range of behaviour modification strategies has been attempted without lasting success;
- an explicit statement as to what mitigating and aggravating factors apply in this case;
- an indication of how the sanction that has been applied is consistent with the ODBST behaviour policy;
- a statement to explain how the school's expectations about behaviour are communicated to pupils and parents;
- a statement to the effect that the decision is consistent with the way that similar cases have been dealt with in the past and that others who may have been involved in the present suspension have been dealt with in a manner proportionate to their involvement;

- the alternative sanctions that were considered (if applicable);
- an indication of the consultations that took place before the decision to exclude was finally reached

As the Headteacher alone has the power to exclude, the Local Governing Body Disciplinary Committee members can only either uphold the decision or order re-instatement, either immediately or by a particular date.

**4.2.1 Considering suspensions and permanent exclusions**

Responsibilities regarding exclusions are delegated to the Local Governing Body of each school under the terms of the Trust's scheme of delegation who will identify three appropriate members to undertake the piece of work.

The identified governors, on behalf of the Local Governing Body, have 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 pupil (see sections 5 and 6) in certain circumstances.

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

Within 14 days of receiving a request, the Local Governing Body will provide the Secretary of State for Education with information about any suspensions or exclusions within the last 12 months.

**4.2.2 Monitoring and analysing suspensions and exclusions data**

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

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

The ODBST Trustees will review suspensions and permanent exclusions on a termly basis.

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

**5. Considering the reinstatement of a pupil**

The Local Governing Body of each school will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

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

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

Where the pupil has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents make representations to the board, the Local Governing Body will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the Headteacher to reinstate the pupil.

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

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

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

Local Governing Body meetings can be held remotely at the request of parents. See section 9 for more details on remote access to meetings.

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

The Local Governing Body can either:

- decline to reinstate the pupil, or
- direct the reinstatement of the pupil 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 Local Governing Body 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 pupil and their peers;
- any evidence that was presented to the Local Governing Body;
- they will decide whether or not a fact is true 'on the balance of probabilities'.

The clerk will be present when the decision is made.

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 pupil's educational record, and copies of relevant papers will be kept with this record.

The Local Governing Body will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- the parents;
- the Headteacher;
- the pupil's social worker, if they have one;
- the VSH, if the pupil is looked after;
- the local authority;
- the pupil's home authority, if it differs from the school's.

Where an exclusion is permanent and the Local Governing Body has decided not to reinstate the pupil, 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 Local Governing Body'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 pupil's special educational needs and/or disabilities (SEND) are considered to be relevant to the permanent exclusion;
- that, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the ODBST to appoint a SEND expert to advise the review panel;
- details of the role of the SEND expert and that there would be no cost to parents for this appointment;
- that parents must make clear if they wish for a SEND expert to be appointed in any application for a review;
- that parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review;
- that, if parents believe that the 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.

**6. Independent review**

If parents apply for an independent review within the legal timeframe, the ODBST will, at their own expense, arrange for an independent panel to review the decision of the Local Governing Body not to reinstate a permanently excluded pupil. Parents must be advised that they should contact the Director of Education if they wish to apply for an independent review.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the local governing body of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion. Any applications made outside of this timeframe will be rejected.

Independent reviews can be held remotely at the request of parents. See section 9 for more details on remote access to meetings.

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 during this time.
- Headteacher 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 or trustee of the ODBST;
- are the Headteacher of the excluding school, or have held this position in the last 5 years;
- are an employee of the ODBST or the local governing body, of the excluding school (unless they are employed as a Headteacher at another school);
- have, or at any time have had, any connection with the ODBST, the school, Local Governing Body, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality;
- have not had the required training within the last 2 years (see appendix 1 for what training must cover).

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

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

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

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

Where a VSH is present, the panel must have regard to any representation made by the VSH 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.

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

- uphold the Local Governing Body's decision;
- recommend that the Local Governing Body reconsiders reinstatement;
- quash the Local Governing Body'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 Local Governing Body at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the Local Governing Body 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 Local Governing Body to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the Local Governing Body 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 Local Governing Body does not subsequently decide to offer to reinstate the pupil within 10 school days;
- any information that the panel has directed the Local Governing Body to place on the pupil's educational record.

**7. School registers**

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

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

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

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

**7.1 Making a return to the LA**

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

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

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

## 8. Returning from a suspension

### 8.1 Reintegration strategy

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

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

A school will be expected to put in place a clear and highly personalised reintegration plan for any pupil returning after suspension or cancelled exclusion and this will be tailored to meet need as far as is reasonably practicable. This plan will be reviewed at regular intervals with parents, social workers and the VSH where applicable, and will include liaison with other external professionals where relevant.

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

### 8.2 Reintegration meetings

The school will clearly explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, 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.

The ODBST 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.

## 9. Remote access to meetings

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

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

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

The Local Governing Body and the ODBST will make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- all the participants have access to the technology which will allow them to hear, speak, see and be seen;
- all the participants will be able participate fully;
- the remote meeting can be held fairly and transparently;
- social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above;
- the meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:
- compromise the ability of participants to contribute effectively, or
- prevent the meeting from running fairly and transparently

## 10. Monitoring arrangements

The school collects data for the following which form part of the wider termly safeguarding return :

- attendance, permanent exclusions and suspensions;
- use of pupil referral units, off-site directions and managed moves;
- anonymous surveys of staff, pupils, governors and trustees and other stakeholders on their perceptions and experiences;
- the data will be analysed at least termly.

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 pupils are identified by this analysis, the school will review its practice in order to tackle it.

The ODBST will work with all schools to consider this data and to analyse any patterns across the ODBST. The data will be reported termly to the School Effectiveness Committee who act on behalf of all Trustees and to the CEO of the ODBST.

**Appendix 1: independent review panel training**

The ODBST must make sure 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 suspensions and permanent exclusions on disciplinary grounds, 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, local governing bodies 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.