



Alderman White School

A member of The White Hills Park Trust

Exclusion Policy

October 2024

Summary of Changes:

No changes at this time

Statutory or non-statutory:	Statutory
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1. 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.

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, contained in the [School Discipline \(Student Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting.
- By exerting undue influence on a parent to encourage them to remove their child from the school

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and student referral units in England, including student movement - from September 2023](#).

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

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

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded students.
- Section 579 of the [Education Act 1996](#), which defines 'school day'.
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)
- [The Equality Act 2010](#)

➤ [Children and Families Act 2014](#)

This policy complies with our funding agreement and articles of association.

3. Definitions

Suspension or Fixed Term Exclusion – when a student is removed from the school for a fixed period.

Permanent exclusion – when a student is removed from the school permanently and taken off the school roll.

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.

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.

4. Reasons for Exclusion

Decisions to exclude will be lawful, reasonable, fair, and proportionate.

The following incidents may lead to fixed term or permanent exclusion:

- Physical assault against a student
- Physical assault against an adult
- Verbal abuse/threatening behaviour against a student
- Verbal abuse/threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability
- Misogyny, Sexual harassment, or abuse
- Drug and alcohol related incidents
- Damage
- Theft
- Persistent Disruptive Behaviour

This list is non-exhaustive and is intended to offer examples rather than be complete or definitive. The decision to exclude for a fixed term or permanently will always consider the individual circumstances of each specific incident. Permanent exclusion will only be used as a last resort.

A student's behaviour outside of school can be grounds for Fixed Term or permanent exclusion. Any decision to exclude for a fixed term or permanently for behaviour outside of school will consider the seriousness of the incident, the impact on other members of the school and local community and reputational damage to the school.

5. Roles and responsibilities

5.1 The headteacher

Deciding whether to suspend or exclude.

Only the Headteacher, or Deputy Headteacher in the absence of the 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.

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 (LAC))
- 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 the headteacher decides to suspend or exclude a student, 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 governing board and, where the student 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 governing board to hold a meeting to consider the reinstatement of a student, 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 student 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 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.

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

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 public exam

Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the governing 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 be notified without delay
- The notification must provide the reason for the cancellation
- The governing board'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 student 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 student 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.

5.2 The Deputy Headteacher (Behaviour and Attitudes)

The Deputy Headteacher for Behaviour will have the following delegated responsibilities with regard to exclusions:

Informing parents

If a student is at risk of suspension or exclusion the Deputy Headteacher will ensure that parents are informed 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.

Informing the local authority (LA)

The Deputy 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.

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

- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

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 (LAC)** is at risk of suspension or exclusion, the headteacher will inform **the VSH** as early as possible

This is in order to work together to consider what factors may be affecting the 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 student'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 governing board about the suspension or permanent exclusion. This is so they can provide advice on how the student'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 student's welfare are taken into account.

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. Google classroom and other online sites will usually 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.

Sixth day provision

From the sixth day of fixed term exclusion, the school will arrange full-time education at another setting.

Where a student has consecutive fixed term exclusions, 6th day provision will be put in place from the 6th consecutive day of exclusion.

5.3 The Governing Body

6th day provision

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.

The Governing Body will ensure that there are clear processes in place to comply with its legal duty to arrange suitable full-time educational provision for students of compulsory school age from the sixth consecutive school day of a fixed term exclusion. This includes:

- Ensuring that there is a process in place for the governing body to assure itself that the education provided is suitable and full-time
- Quality assuring provision and ensuring that any previous placements have been evaluated, including support for any SEND the student may have
- Checking whether there is a process in place to monitor the student's attendance and behaviour at the provision
- Checking whether the correct attendance code is being used
- Checking whether the student's child protection file and any other information relevant to the student's safeguarding and welfare has been securely transferred to their new setting as early as possible, in line with [Keeping children safe in education - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Considering suspensions and permanent exclusions

Responsibilities regarding exclusions are delegated to a committee of 3 Governors from our Local Governing Body.

The committee 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 with information about any suspensions or exclusions within the last 12 months.

Monitoring and analysing suspensions and exclusions data

The governing board 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 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

5.4 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 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.

6. Returning from a fixed term exclusion (suspension)

6.1 Reintegration strategy

Following suspension, or cancelled suspension or exclusion, 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 for the student:

- Use of a behaviour report with personalised targets
- A keyworker in school;
- Behaviour mentoring
- Behaviour review meetings with the Progress Leader, tutor, or a member of SLT and parents of the student
- Seating plan adjustments
- Specific arrangements for social times in school
- School counsellor referral
- Academic tutoring
- Access to Nurture, Haven, or IMP provision
- Referral to external support.

Part-time timetables will not routinely be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary, and only to avoid further exclusions and with the agreement of the student's parents and any other professionals working with them.

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

6.2 Reintegration meetings

The school will clearly explain the reintegration strategy to the student in a reintegration meeting before or on the student's return to school. 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.

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.

7. Measures to avoid permanent exclusion

In addition to the strategies set out in our Behaviour Policy to avoid permanent exclusion, the school will also consider:

- a) an off-site direction (temporary) or
 - b) managed moves (permanent)
- as preventative measures for permanent exclusion.

Any use of Alternative Provision (AP) will be based on an understanding of the support a child or young person needs in order to improve their behaviour, as well as any SEND or health needs. Off-site direction will only be used as a way to improve future behaviour and improve access to education, and not as a sanction. Off-site direction will only be used where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate and will only be used to arrange a temporary stay in AP.

The nature of the intervention, its objectives, and the timeline to achieve these objectives will be clearly defined and agreed with the provider upfront. The plan will then be frequently monitored and reviewed. Students will continue to receive a broad and balanced education, and this will support reintegration into mainstream schooling.

The school will have regard to

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942014/alternative_provision_statutory_guidance_accessible.pdf

7.1 Off-site direction

Off-site direction is when a student is directed to attend another education setting to improve their behaviour. Where interventions or targeted support have not been successful in improving a student's behaviour, off-site direction may be used to arrange time-limited placements at an Alternative Provision or another school. During the off-site direction, the student will be dual registered and will not lose their place at Alderman White.

Depending on the individual needs and circumstances of the student, off-site direction may be full-time or a combination of part-time support in AP and continued mainstream education. A proposed maximum period of time will be discussed and agreed upon as part of the planning phase for an off-site direction. As part of planning, alternative options will be considered once the time limit has been reached, including a managed move on a permanent basis, if the off-site direction is at a mainstream school.

Parents and, where the student has an EHC plan, the local authority, can request, in writing, that the Governing Body hold a review meeting. When this happens, the Governing Body will comply with the request as soon as reasonably practicable, unless there has already been a review meeting in the previous 10 weeks.

The length of time a student spends in another mainstream school or AP and the reintegration plan will be kept under review by the Governing Body, who will hold review meetings at such intervals as they, having regard to the needs of the student, consider appropriate, for as long as the requirement remains in effect. Not later than six days before the date of any review meeting, the Governing Body will give a written invitation to parents (and the local authority if the student has an EHC plan) to attend the review meeting, or to submit in writing before the date of the meeting their views as to whether off-site direction should

continue to have effect. The Governing Body will ensure, insofar as is practicable, that any review meeting is convened on a date, and at a time, that is suitable for the parent.

The Governing Body will keep the placement under review for as long as the requirement remains in effect and will decide following each review meeting as to whether the requirement should continue to have effect and, if so, for what period of time.

The meeting will include arrangements for reviews, including how often the placement will be reviewed, when the first review will be and who should be involved in the reviews. Reviews will be recorded in writing and be frequent enough to provide assurance that the off-site direction is achieving its objectives via monitoring points. The Governing Body will give written notification of their decision as to whether the requirement to continue the placement should continue and if so, for what period of time including the reasons for it to the parent no later than six days after the date of the review meeting.

To support a student with reintegration into their referring school, the focus of intervention whilst off-site will remain on ensuring that a student continues to receive a broad and balanced curriculum whilst any inappropriate behaviours which require intervention are being addressed.

If a student with a disability or SEN has been moved off-site, the duties under the Equality Act 2010 and the Children and Families Act continue to apply (for example, to make reasonable adjustments or to put support in place to meet SEN).

The length of time a student spends in another mainstream school or AP will depend on what best supports the student's needs and potential improvement in behaviour.

7.2 Managed moves

A managed move is used to initiate a process which leads to the transfer of a student to another mainstream school permanently. Managed moves are voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. Managed moves will only occur when it is in the student's best interests.

Where a student has an EHC plan, the relevant statutory duties on the new school and local authority will apply, and we will contact the local authority prior to the managed move and request that they follow the statutory procedures for amending a plan.

Managed moves are offered as part of a planned intervention where we have carried out all appropriate initial interventions, including, where relevant, multi-agency support, or any statutory assessments.

The managed move will be preceded by information sharing with the new school, including data on prior and current attainment, academic potential, a risk assessment, and advice on effective risk management strategies. We will support an effective integration strategy to the new school.

We will ensure parents are aware of their rights during this process. If a parent believes that they are being pressured into a managed move or are unhappy with a managed move, they can address this through the school's complaints process.

8. Considering the reinstatement of a student

A committee of 3 governors from the Local 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

Where the student has been suspended, and the suspension does not bring the student's total number of days of suspension to more than 5 in a term, a committee of 3 Governors 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 student.

Where the student 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, a committee of 3 governors from the Local Governing Body will consider and decide on the reinstatement of a suspended student 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 student.

Where a suspension or permanent exclusion would result in a student missing a public exam or National Curriculum test, a committee of 3 governors from the Local Governing Body will, as far as reasonably practicable, consider and decide on the reinstatement of the student before the date of the exam or test. If this is not practicable, the committee may consider the suspension or permanent exclusion 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 (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

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

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 committee of 3 governors from the Local Governing Body 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 committee 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'.

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

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

- The parents
- 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 committee 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 Academy Trust 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.

9. Independent review

If parents apply for an independent review within the legal timeframe, White ills Park Trust will, at their own expense, 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 committee of 3 governors from the Local Governing Body 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. 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 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/Trustee of WHP 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 WHP 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 WHP Trust, school, governing body, 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

10. Remote access to meetings

Parents can request that a governing board meeting, or independent review panel be held remotely. If the parents do not express a preference, the meeting will be held in person.

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

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

The governing board and WHP Trust should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology which will allow them to hear, speak, see and be seen
- All the participants will be able participate fully
- The remote meeting can be held fairly and transparently

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that cannot be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently

11. School registers

Following a Permanent Exclusion, 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 committee of 3 governors from the Local Governing Body'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.

12. 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 and other stakeholders on their perceptions and experiences

The data will be analysed every term by the Deputy Headteacher (Behaviour and Attitudes and Headteacher). The Headteacher will report back to the 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.

The multi-academy trust will work with its academies to consider this data, and to analyse whether there are patterns across the trust, recognising that numbers in any 1 academy may be too low to allow for meaningful statistical analysis.

This policy will be reviewed by the Headteacher annually. At every review, the policy will be approved by the the Governing Body.

13. Links with other policies

This policy is linked to our:

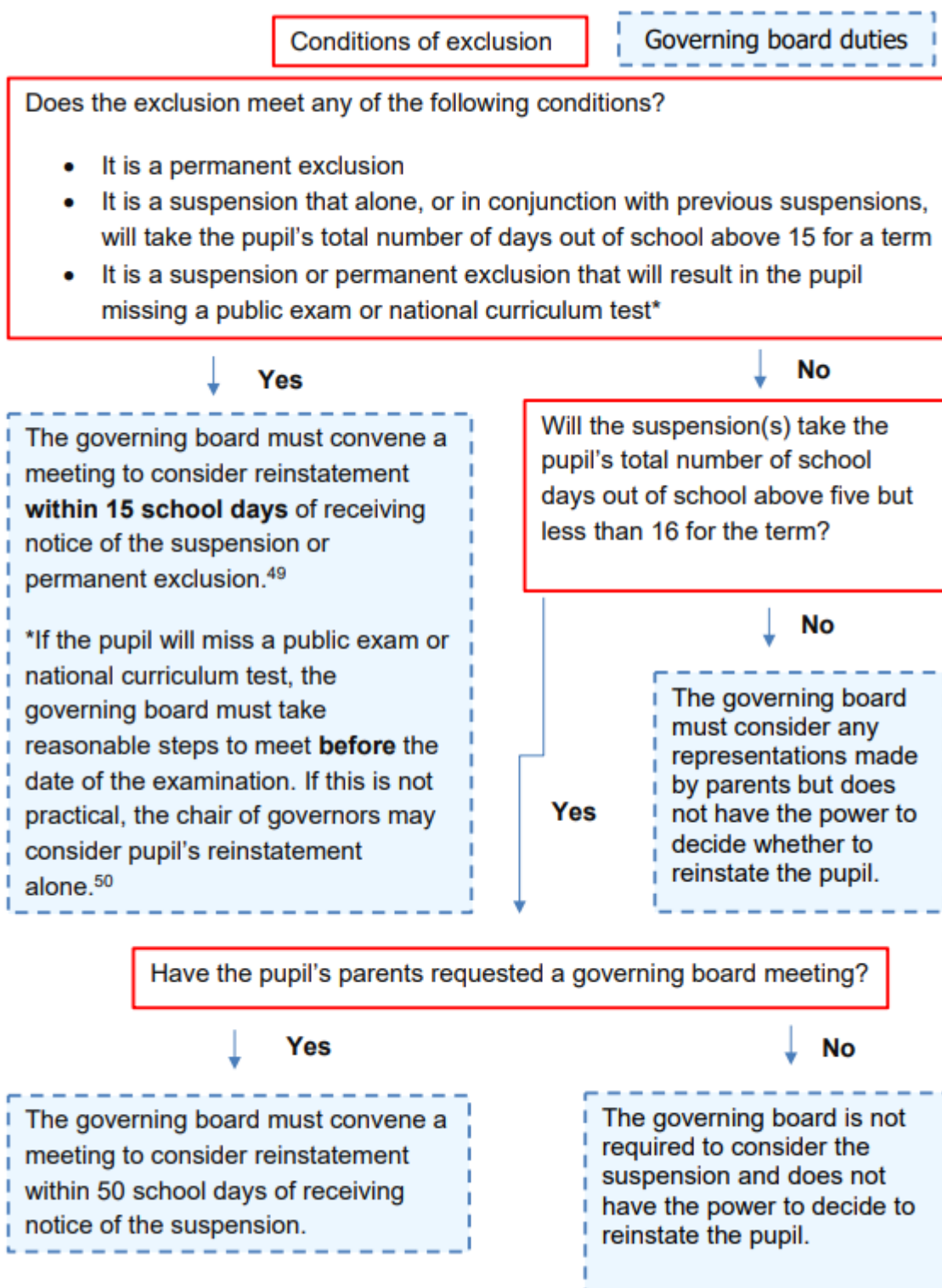
- Behaviour policy
- SEND policy
- SEN information report

Appendix 1: Summary of LGB duty to review Headteacher's exclusion decision

Taken from DFE guidance: 'Fixed Term Exclusion and Permanent Exclusion from maintained schools, academies, and student referral units in England, including student movement – Sept 2022.

1. **Is it a permanent exclusion?** If the answer is yes, the governing board must convene a meeting to consider reinstatement within 15 school days of receiving notice of the permanent exclusion.⁵¹ If the answer is no, go to step 2.
2. **Is it a Fixed Term Exclusion that alone, or in conjunction with previous fixed term exclusions, will take the student's total number of days out of school above 15 for a term?** If the answer is yes, the governing board must convene a meeting to consider reinstatement within 15 school days of receiving notice of the Fixed Term Exclusion.⁵² If the answer is no, go to step 3.
3. **Is it a Fixed Term Exclusion or permanent exclusion that will result in the student missing a public exam or national curriculum test?** If the answer is yes, the governing board must convene a meeting to consider reinstatement within 15 school days of receiving notice of the Fixed Term Exclusion or permanent exclusion.⁵³ The governing board must also take reasonable steps to meet before the date of the examination. If this is not practical, the chair of governors may consider student's reinstatement alone.⁵⁴ If the answer is no, go to step 4.
4. **Will the Fixed Term Exclusion(s) take the student's total number of school days out of school above five but less than 16 for the term?** If the answer is yes, go to step 5. If the answer is no, the governing board must consider any representations made by parents but does not have the power to decide whether to reinstate the student.
5. **Have the student's parents requested a governing board meeting?** If the answer is yes, the governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the Fixed Term Exclusion. The governing board is not required to consider the Fixed Term Exclusion and does not have the power to decide to reinstate the student.

Appendix 2: Summary flow-chart of LGB duty to review Headteacher’s exclusion decision.



Appendix 3: Free and impartial advice for parents on fixed term exclusions and permanent exclusions

- The local area SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Details of the local service can also be found here: <https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-services-network>
- Coram’s Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>
- Independent Provider of Special Education Advice (known as IPSEA – <https://www.ipsea.org.uk/>) is a registered charity. It offers free and independent information, advice, and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.