



Minerva
Learning Trust

Suspensions & Exclusions Policy

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Changes to this edition

- This policy represents a significant re-write in line with the updated Suspension and exclusions guidance for September 2023.

1. Purpose

At Minerva Learning Trust we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the Trust recognises that suspension and exclusion of students may be necessary where there has been a serious breach, or consistent breaches, of a 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 Trust has created this policy to clearly define the legal responsibilities of the Headteacher, local governing body 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.

For the purposes of this policy, the Trust defines "serious unacceptable behaviour" as any behaviour which may cause harm to oneself or others, damage the reputation of the school within the wider community, and/or any illegal behaviour. This includes, but is not limited to, the following:

- **Discrimination** – not giving equal respect to an individual on the basis of age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation
- **Harassment** – behaviour towards others which is unwanted, offensive and affects the dignity of the individual or group of individuals
- **Vexatious behaviour** – deliberately acting in a manner so as to cause annoyance or irritation
- **Bullying** – a type of harassment which involves personal abuse or persistent actions which humiliate, intimidate, frighten or demean the individual being bullied
- **Cyberbullying** – the use of electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature
- Possession of legal or illegal drugs, alcohol or tobacco
- Possession of banned items

- Truancy and running away from school
- Refusing to comply with disciplinary sanctions
- Theft
- Verbal abuse, including swearing, racist remarks and threatening language
- Fighting and aggression
- Persistent disobedience or disruptive behaviour
- Extreme behaviour, such as violence and serious vandalism
- Any behaviour that threatens safety or presents a serious danger
- Any behaviour that seriously inhibits the learning of students
- Any behaviour that requires the immediate attention of a staff member

For the purposes of this policy, the Trust defines “low-level unacceptable behaviour” as any behaviour which may disrupt the education of the perpetrator and/or other students, including, but not limited to, the following:

- Lateness
- Low-level disruption and talking in class
- Failure to complete classwork
- Rudeness
- Lack of correct equipment
- Refusing to complete homework, incomplete homework, or arriving at school without homework
- Disruption on public transport
- Use of mobile phones without permission
- Graffiti

“Low-level unacceptable behaviour” may be escalated to “serious unacceptable behaviour”, depending on the severity of the behaviour.

This policy must be read and delivered in conjunction with the Trust’s Standard Operating procedures for suspension and permanent exclusion.

2. Links Statutory Requirements and Legislation

2.1 This behaviour policy is based on advice from the Department for Education (DfE):

- Education Act 1996
- Education Act 2002
- Equality Act 2010
- The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007
- The School Discipline (Student Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023
- The European Convention on Human Rights (ECHR)
- Education and Inspections Act 2006
- Health Act 2006
- Voyeurism (Offences) Act 2019
- The School Information (England) Regulations 2008
- DfE (2023) Suspension and Permanent Exclusion from maintained schools, academies and student referral units in England
- DfE (2022) 'Behaviour in schools: advice for Headteachers and school staff'
- DfE (2023) 'Keeping children safe in education 2023'
- DfE (2021) 'Sexual violence and sexual harassment between children in schools and colleges'
- DfE (2018) 'Mental health and behaviour in schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2013) 'Use of reasonable force'
- DfE (2022) 'Searching, screening and confiscation: advice for schools'

2.2 Links to other school and Trust policies:

- Behaviour Policy
- Anti-bullying Policy
- Searching, Screening and Confiscation Policy
- Complaints Procedures Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Child Protection and Safeguarding Policy
- Smoke-free Policy
- Trust Standard Operating Procedures for Suspension and Permanent Exclusion.

3. Roles and responsibilities

The Trust is responsible for:

- Developing and communicating Standard Operating procedures for suspension and exclusion, in line with this policy.
- Delivering routine staff and governor training on suspension and exclusion.

- Arranging for a review panel hearing to review the decision of the local governing body not to reinstate a permanently excluded student where required and arranging for it to be held via remote access where requested by parents or excluded students aged 18 and above.
- Appointing a clerk to provide advice to the relevant panel and parties to the review on procedure, law and statutory guidance on suspensions and exclusions.

The Headteacher is responsible for:

- Implementing good levels of discipline to ensure all students can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.
- Complying with their statutory duties in relation to students with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a student has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a student who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g. if a student has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual students, particularly those with SEND, those eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of students with additional needs.
- Determining whether a student will be suspended or excluded on disciplinary grounds.
- Adhering to their responsibilities when cancelling an exclusion before the local governing body has met to consider whether the student should be reinstated. Withdrawing any suspensions or exclusions that have not been reviewed by the local governing body, where appropriate.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a student.
- Ensuring they have considered their legal duty of care when sending a student home following a suspension or exclusion.
- Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.

- Notifying a student's parents/student aged 18+ without delay where the decision is taken to suspend or exclude the student, including the days on which the parents must ensure the student is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Reviewing the decision to suspend or exclude against the Trust's Standard Operating Procedures for suspension and exclusion.
- Discussing a potential permanent exclusion with the CEO prior to making a decision or communicating with other parties.
- Notifying the governor responsible and LA of their decision to exclude a student where appropriate, as well as the student's home authority if required.
- Notifying the local governing body once per term of any exclusions in the Headteacher's report to governors.
- Organising suitable work for excluded students where alternative provision cannot be arranged.

The local governing body is responsible for:

- Considering parents' (or student's if aged 18+) representations about suspensions and exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where a suspension or exclusion would result in a student missing a public examination or test, considering the suspension or exclusion before this date.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Arranging for the representation meeting to take place via remote access where requested by parents or excluded students aged 18 and over.
- Adhering to its responsibilities to consider the reinstatement of students.
- Considering the interests and circumstances of the suspended or excluded student, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the school.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the student's education record, along with copies of relevant papers for future reference.
- Notifying the student's parents/student if aged 18 or over, the Headteacher and the LA of its decision and the reasons for it, without delay.
- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a student's name is removed from the school admissions register, where appropriate.

- Reconvening within 10 school days to reconsider reinstatement of a student where directed to do so by the suspensions and exclusions review panel.
- Using data to evaluate the school's practices regarding intervention, suspension and exclusion.

The clerk to the suspensions and exclusions review panel is responsible for:

- Ensuring copies of relevant papers are circulated at least five school days before the review to all parties by the school's PA.
- Ensuring communication shared makes it clear that individuals that they are entitled to:
 - Make written representations to the panel.
 - Attend the hearing and make oral representations to the panel.
 - Or be represented.
- Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel within the timeframe of the policy.

The Local Authority is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- Arranging suitable full-time education for any student of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing students' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.
- Arranging an IRP hearing without delay at a time, date and venue convenient for all parties.
- Ensuring any independent review panel consists of three or five members as appropriate, which represent the required categories.
- Ensuring all independent review panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents, appointing a SEND expert to attend the independent review panel and covering the associated costs of this appointment.

4. Grounds for suspension or exclusion

There are two types of exclusion: fixed term which is now known as a '**suspension**' and '**permanent**'. There has been a change in terminology from the DFE to clearly differentiate the difference between a short term exclusion and a permanent exclusion. All schools' documentation should reflect this change.

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, however this list is not exhaustive:

- 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
- Instigating or deploying a Cyber attack
- Sexual impropriety

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.

Exclusion is a sanction used by schools in cases deemed as serious breaches of the school's Behaviour Policy.

A student may be at risk of exclusion from school for:

- A serious breach of the school behaviour policy
- Persistent disruptive behaviour that is harming the welfare and safety of themselves and others.

5. The Headteacher's power to suspend and exclude

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.

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 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 or from the school's roll.

All suspensions and exclusions will be formally recorded on SIMs.

Suspension

A suspension from the school must only be authorised by the Headteacher or one of the designated staff acting on delegated authority. If none are available to authorise the suspension a decision should be deferred until the opportunity for authorisation is available.

There is a limit of 45 school days in an academic year for suspensions. This is 45 days in total for the child. If a child has had suspensions in another school or setting during that academic year then they must form part of this total.

A decision to suspend a student should also be lawful, reasonable and fair and only in response to breaches of the school's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions are considered inappropriate.

Permanent Exclusion

A decision to exclude a student permanently must be taken as a last resort and should only be taken:

1. In response to serious or persistent breaches of the school's behaviour policy; and/or
2. If allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

The decision to exclude a student must be lawful, rationale, reasonable, fair and proportionate. We have a statutory duty not to discriminate against students based on protected characteristics, such as disability or race.

We will consider the fair treatment of students from groups who are vulnerable to exclusion.

Disruptive behaviour can be an indication of unmet needs. Where we have concerns about a student's behaviour, we will try to identify whether there are any causal factors and intervene early to reduce the need for a subsequent exclusion. In this situation we will give consideration to a multi-agency assessment that goes beyond the student's educational needs. It is an acknowledgement by us that we have exhausted all available strategies for dealing with the child and permanent exclusion is used as a last resort.

There will, however, be exceptional circumstances where, in the Headteacher's judgement, it is appropriate to permanently exclude a child for a first or 'one off' offence. These might include:

1. Serious actual or threatened violence against another student or a member of staff
2. Sexual abuse or assault
3. Supplying an illegal drug or
4. Carrying an offensive weapon

A permanent exclusion can **only** be authorised by the Headteacher who must immediately discuss the potential exclusion with the CEO before making a decision (either by telephone or via email) and inform the Chair of the Local Governing Body **before** informing the student or parent/carer. Headteachers must also inform the relevant Local Authority.

Processing and cancelling a suspension/exclusion

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 if the child is under the age of 18. Parental permission should be sought before allowing a child to leave the school premises following a suspension.

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 local governing body.

The Headteacher's duties in relation to notification and the duty to allow a student back into school have been made statutory. Where a suspension or exclusion is cancelled, the Headteacher will notify the student's parents/the student if aged 18 or over, the local governing body, 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/student 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 local governing body'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 CEO/Headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the trust board/local governing body once per term, to allow the local governing body to have appropriate oversight.

6. Factors to consider when suspending or excluding a student

Before deciding whether to exclude a student, either permanently or a suspension the Headteacher will:

1. Undertake a full and thorough investigation
2. Consider all the relevant facts and firm evidence to support the allegations
3. Investigate whether the incident may have been provoked by something e.g., bullying, racial or sexual harassment and explore all mitigating factors
4. Consider the offence against the school's Behaviour Policy
5. Enable all students involved to have the opportunity to give their version of events
6. Consult other people or agencies except where necessary or appropriate
7. Keep a written record of all actions taken, any interviews with students concerned, any staff statements (behaviour report forms and witness statements should be dated and signed, ideally on school witness documentation)

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. A written statement should always be taken.
- Take into account any contributing or mitigating 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.

Once the investigation has been conducted the Headteacher will:

1. Ensure time has been given to addressing and supporting the student's individual problems within the capabilities of school
2. Aim for the shortest possible period of suspension
3. Provide relevant and appropriate work to be completed at home
4. Organise a re-integration meeting with relevant staff and parents/carers/student if aged 18+, ideally on the day of return to school or as soon as possible after this date
5. Consider any additional intervention or support that may be necessary
6. Facilitate reconciliation with other staff and students involved in the related incident as and when this is deemed appropriate and necessary

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 but not restricted to the following:

- LAC
- 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.

7. Preventative measures

Before taking a final decision to exclude, the Headteacher will consider whether it is in the best interests of all parties to initiate off-site directions or managed moves as preventative measures to exclusion.

Off-site direction

The board of trustees may use their general powers to arrange for any registered student to attend at any place outside the school premises for the purpose of receiving educational provision intended to improve their behaviour. Any full time off-site direction must be discussed with the CEO prior to the Headteacher making a final decision.

The Headteacher will decide, in communication with the student and their parents (or student if aged 8+), whether off-site direction is an appropriate solution to manage a student's behaviour and avoid suspension or exclusion. Where all parties agree to this course of action, the school will work with the student and their parents to discuss and agree a plan for the off-site direction, including a proposed maximum period of time that the student will be at the alternative provision and any alternative options that will be considered once the time limit has been reached, e.g. managed moves. Where all parties do not agree, the Headteacher can use their powers to issue an offsite direction if they believe it is in the best interests of the child.

Full-time off-site direction at one placement must be avoided, however if it deemed appropriate for full time offsite provision to be out in place, then this could include a number of days at different provisions.

The Headteacher or school SENDCo will notify parents/the student if 18+, and the LA if the student has an EHC plan, in writing with information about the placement no later than two school days before the relevant day.

The school will keep any off-site placements under review in line with the trust's Standard Operating Procedure for Alternative provision. Regular review meetings should take place between key staff, parents and the child. At each review meeting it should be discussed whether the arrangement will continue and for what period of time; the meeting will also decide arrangements for further reviews. Reviews will be recorded in writing, including any decisions made regarding the placement.

Managed moves

Where it is thought to be in a student's best interest to transfer them to another mainstream school permanently, the Headteacher will discuss this with the parents of the student, and the LA if the student has an EHC plan – managed moves will only go ahead with the voluntary agreement of all parties involved, including the parents and the admission authority of the new school.

The school will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. The school will participate in information sharing with the student's new school, including sending data on prior and current attainment, academic potential and any risk management strategies. The school will also cooperate with the student's new school to create an effective integration strategy.

Parents who have concerns that a managed move is being forced on them or who are unhappy with a managed move will be referred to the Complaints Procedure.

8. Duty to inform parents

Following the Headteacher's decision to suspend or exclude a student, they will immediately inform the parents, or the excluded student if they are 18 or older, in person or by telephone, supported by written communication, of the period of the suspension, or permanency of the exclusion, and the reasons behind this. This must be done on the day of the exclusion/suspension being authorised by either direct phone contact or a face-to-face meeting. If relevant, the social worker and Virtual School Headteacher must also be informed without delay.

A written confirmation of the reason(s) for the exclusion/suspension must be sent to parents/student aged 18 or over the same day; the letter should also enclose a copy of the School's Behaviour/Exclusion Policy, or guidance of where to access the policy.

The letter will include the following information:

- The reasons for the suspension or exclusion
- The length of the suspension or permanency of the exclusion
- Their right to raise any representations about the suspension or exclusion to the local governing body, including how the student will be involved in this and how the representations will be made
- Their right to make a request to hold the meeting via remote access and how this request can be made
- Their right to attend a meeting where there is a legal requirement for the local governing body to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the student to continue their education prior to the organisation of any alternative provision, or the student's return to school
- Relevant sources of free, impartial information.

In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period. This should be made clear in the initial letter sent home to parents/carers/student aged 18+ using the relevant template letter from the trust's standard operating procedure.

Where the student is of compulsory school age, the Headteacher will inform the parents by the end of the afternoon session that for the first five days of the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.

Where the Headteacher has arranged alternative provision, they will also inform the parents/student aged 18+ of the following:

- The start and end date and times for any provision of full-time education
- The address at which the provision will take place
- Any information necessary for the student to identify the person they should report to on the starting date

Where the Headteacher is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the student beginning the provision. If the alternative provision is due to begin before the sixth day of the suspension or exclusion, the Headteacher is able to give less than 48 hours of notice, with parental consent.

If the Headteacher has decided to suspend the student for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents/student if aged 18 or over without delay and issue a new suspension or exclusion notice.

All students must be provided with enough high-quality academic work to cover the period of suspension or permanent exclusion which must be able to be completed in the home environment. Work must be provided for the first five days of any exclusion, this could include any online pathways such as Oak National Academy or similar.

9. Duty to inform the appropriate bodies

The Headteacher will inform the CEO, LA and Chair of the local governing body, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the student in light of further evidence)
- Any suspensions which would result in the student being suspended for more than 5 school days in a term (or more than 10 lunchtimes)
- Any suspensions or exclusions which would result in the student being absent from an examination or national curriculum test

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

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

All notifications to the local governing body and LA will include the reasons for suspension or exclusion and the duration of any suspension.

If the Chair of the Local Governing Body is involved in any part of the decision-making process for the Permanent Exclusion then they **must not** form part of any Governor Disciplinary Committees related to the case.

When a student has been suspended or excluded, the Headteacher will, without delay, notify the student's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.

Social workers and/or the VSH will also be informed when a meeting of the local governing body is taking place, and will be invited to attend the meeting should they wish to do so.

Social workers and VSHs will be allowed to join a local governing body meeting or independent review panel via the use of remote access, as long as the arranging authority is satisfied they will be able to participate effectively, they can hear and be heard throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent.

10. Arranging education for suspended and excluded students

For any suspensions of more than five school days, the Headteacher 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 Headteacher 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 local governing body 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 Headteacher 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.

11. Students returning from suspension

Following a suspension, a re-integration meeting must be held involving the student, parents, a member of senior staff and other staff, where appropriate. All students returning from a suspension are required to attend a reintegration meeting, accompanied by a parent/carer if the child is under the age of 18.

This meeting will seek to establish practical ways in which further suspensions/ exclusion can be avoided and behaviour modified to acceptable standards in partnership between student, parent/carer and school.

A student should not be prevented from returning after a suspension if a parent/student aged 18+ is unable to attend a meeting. The child must return to school and a later date should be set for the meeting, where possible.

If a student has been excluded for 15 days in the last academic year the Chair of Governors will also attend the reintegration meeting to express concern about behaviour.

The following measures may be implemented when a student returns from a suspension, although this list is not exhaustive:

- Putting a student on a pastoral support programme
- Agreeing a behaviour contract
- Putting a student 'on report'
- Internal isolation
- Holding restorative meetings with appropriate people.

Before taking a final decision to exclude, the Headteacher will consider whether it is in the best interests of all parties to initiate off-site directions or managed moves as preventative measures to exclusion.

12. Criminal investigations

The Headteacher will not postpone taking a decision to suspend or exclude a student due to a police investigation being underway, or any criminal proceedings that are in place.

Particular consideration will be given by the Headteacher when deciding to suspend or exclude a student where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the local governing body is required to consider the Headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

13. Considering suspensions and exclusions

The local governing body will consider any representations made by parents/students aged over 18 regarding suspensions and exclusions.

Parents and, where requested, a friend or representative, the Headteacher, and a member of the LA will be invited to attend any consideration of suspensions and exclusions and will be able to make representations.

Any meeting to consider reinstatement of a student will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits. Parents, and excluded students if they are over 18, will also be able to request that the meeting is held via remote access.

Where it is appropriate to the student's age and level of understanding, the student will also attend any consideration meeting, and will be enabled to make a representation on their own behalf if they desire to do so.

The local governing body will consider the reinstatement of a suspended or excluded student, where:

- The exclusion is permanent.
- The suspension is fixed-period, and would bring the student's total number of suspended school days to more than 15 in any given term.
- The suspension or exclusion would result in the student missing a public examination.

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 local governing body will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the local governing body 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 local governing body meeting, the local governing body 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 local governing body 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 local governing body 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, a smaller sub-committee will consider the suspension or exclusion and decide whether or not to reinstate the student.

The local governing body will also consider whether it would be appropriate to allow the suspended or excluded student to enter the premises to take the examination.

When considering the reinstatement of a student, the local governing body will:

- Only discuss the suspension or exclusion with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow students and parents to be accompanied by a person of their choice to the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- Identify the steps needed to enable and encourage the suspended or excluded student to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the student, including the grounds for suspension or exclusion.

In the instance of a permanent exclusion the school must set up a Governing Body Discipline Committee (GDC) to consider the exclusion and whether the decision of the Headteacher should be upheld or whether the student should be reinstated. The Discipline Committee must:

- Consist of no less than three Governors who will review the use of exclusion within the school, including considering the views of the Parent(s)/carer(s) of an excluded student.
- Only include Local Governors who have completed both sessions of the mandatory exclusion training provided centrally by the Trust.
- Include at least one Governor from another Trust school who can act impartially.
- Appoint one of the panel members as the Chair of the GDC. This does not have to be a Chair or Vice Chair of an LGB. Any panel representative can undertake this role.
- Work alongside the Trust's Governance Professional and the allocated Clerk to ensure the process is lawful and fair.

Taking into account, the student's age and understanding, the student or their parents will also be made aware of their right to attend and participate in the Governing Body meeting and the student will be enabled to make a representation on their own behalf if they desire to do so.

Where the local governing body is legally required to consider the reinstatement of an excluded student they should:

- Not discuss the exclusion with any party outside of the meeting
- Inform the clerk if there is a conflict of interest in hearing the case e.g., the student is personally known to them or is a relative of family friend. In the event of a conflict of interest the Chair will seek an untainted governor to replace the other

- Ask for written evidence in advance of the meeting (including witness statements and other relevant information held by the school such as those relating to a student's SEN)
- Where possible circulate any written evidence and information, including a list of those who will be present, to all parties at least five days in advance of the meeting.
- Allow parents and the student to be accompanied by a friend or representative (where a student under 18 is to be invited as a witness, the LGB first seek parental consent and invite parents to accompany their child to the meeting)
- Comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or student has a disability in relation to mobility or communication that has an impact upon their ability to attend the meeting or to make representations); and
- Identify the steps they will take to enable and encourage the excluded student to attend the meeting and speak on their own behalf (such as providing accessible information or allowing them to bring a friend), taking account of the student's age and understanding; or how the excluded student may feed in their views by other means if attending the exclusion meeting is not possible.

The Trust Central Team will appoint a clerk to the GDC to provide advice on the exclusions process and to handle the administrative arrangements for considering exclusions. Support for this can be obtained by contacting the Trust's Governance Professional.

The Governing Body Student Discipline Committee must meet to:

- Consider the circumstances in which the student was excluded.
- Consider any representations about the exclusion made by the parent/carer.
- Consider whether the student should be reinstated immediately, reinstated by a particular date or not reinstated.
- Satisfy itself that all possible strategies to improve a student's behaviour were tried without success.

14. Reaching a decision

After considering suspensions and exclusions, the local governing body will either:

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

In reaching a decision on whether a student should be reinstated, the GDC should consider whether the decision to suspend or permanently exclude the student was lawful, reasonable, and procedurally fair. This should consider the welfare and safeguarding of the student and their peers, the Headteacher's legal duties, and any evidence that was presented to the governing board in relation to the decision to exclude.

If reinstatement would make no practical difference, e.g. if the student has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the local governing body will still consider whether the student should be officially reinstated, and whether the Headteacher's decision to suspend or exclude the student was fair, lawful and proportionate, based on the evidence presented.

The local governing body will apply the civil standard of proof when responding to the acts 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.

To reach a decision, the local governing body will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the suspension or exclusion of the student was lawful, proportionate and fair, taking into account the Headteacher's legal duties and any evidence that was presented to the local governing body in relation to the decision.
- Record the outcome of the decision on the student's educational records, along with copies, which will be kept for at least six months.
- Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the student.

15. Notification of considered suspensions and exclusions

The local governing body will notify the parents of the suspended or excluded student, the Headteacher, and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay.

In the case of exclusion, where the local governing body decides not to reinstate the student, they will notify the parents/students aged over 18:

- That the exclusion is permanent.
- Of their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That a request to hold the meeting via remote access can be made and how to do this.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a student's SEND is considered relevant to the exclusion.
- That, regardless of whether a student has been identified as having SEND, the parents have a right to require the local governing body to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

The local governing body will also notify parents that, if they believe a suspension or exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

After any conclusion, the local governing body will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

Where the GDC decide to direct the reinstatement of the student, the student should be reinstated at the earliest possible convenience. Such consideration will take account of the student's disciplinary record and the likely impact of their continued attendance and behaviour.

They must also consider both the interests and circumstances of the suspended or permanently excluded student, and that of other students, staff, and school community. The Governing Body Discipline Committee may not attach conditions to the reinstatement of a student. The school must arrange suitable full-time educational provision the reintegration of the child can take place and must also consider what support will best help the child's reintegration into school.

16. Removing excluded students from the school' admission register

The Headteacher will remove students from the school register if:

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

If an application for an independent panel review has been made within 15 school days, the Headteacher will wait until the review has been determined, or abandoned, and until the local governing body has completed any reconsideration that the panel recommended or directed it to carry out, before removing the student from the school register.

If a student's name is to be removed from the register, the Headteacher will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the student normally resides.
- The grounds upon which the student's name is to be removed from the register.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the student's name was removed.

If a student's name has been removed from the register and a discrimination claim is made, the student may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

Whilst a student's name remains on the admissions register, the appropriate code will be used to mark the student's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision.

17. Independent Review Panel (IRP)

The LA will review the local governing body'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 local governing body'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/students aged 18+ are able to request an independent panel review even if they did not make a case to, or attend, the local governing body'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.

A person may not serve as a member of an Independent Review Panel if they:

- Are a member of the Local Authority, or governing body of the excluding school;
- Are the Headteacher of the excluding school, or have held this position in the last five years;
- Are an employee of the Local Authority, or the 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 Local Authority, school, governing body, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality; and/or
- Have not had the required training within the last two years (see appendix 1 for what training must cover).

The Chair of the GDC, the school Headteacher and the child's parent/carer or student if aged over 18 will be invited to attend and give representation at the IRP meeting. Both parties will also be given the opportunity to submit written representation in advance of the meeting.

18. Appointing a SEND expert for IRPs

If requested by parents/students aged over 18 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/students over 18 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/students aged over 18 have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents/the student aged over 18 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.

19. The role of the SEND expert in IRPs

The SEND expert's role is analogous to an expert witness, providing (orally and/or written) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the student's SEND.

The focus of the SEND expert's advice will be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded student, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the student's exclusion.

Where the school does not recognise that a student has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the student may potentially have, and any contribution that this could have made to the circumstances of the student's exclusion.

The SEND expert will not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

20. Appointing a clerk for IRPs

The LA will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.

Where a clerk is appointed, the LA will ensure that the clerk did not serve as clerk to the local governing body when the decision was made not to reinstate the student.

21. The role of the clerk in IRPs

The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.

The clerk will:

- Identify, in advance of the meeting, whether the excluded student wishes to attend the panel hearing, taking reasonable steps to enable the student to feedback their views, irrespective of their attendance.
- Identify, in advance of the meeting, whether any alleged victims of the incident leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.
- Ensure that the panel is able to hear from any witnesses to the incident leading to the exclusion, taking into account the fact that some of these people may be students at the school. Students under 18 will not be allowed to appear in person without parental consent.
- Inform the parents/student if aged over 18, Headteacher and local governing body that they are entitled to make oral and written representations to the panel, attend the hearing, and be represented.
- Ensure that all parties are:
 - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
 - Informed about who is attending the meeting, and what their roles are.
- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.

Where a clerk is not appointed, the LA will undertake the functions outlined above.

22. The duties of the IRP

The role of the panel is to review the local governing body's decision not to reinstate an excluded student. In reviewing the decision, the panel will consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded, and have regard to the interests of other students and people working at the school. The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

Following the review, the panel will do one of the following:

- Uphold the decision
- Recommend that the local governing body reconsiders reinstatement
- Quash the decision and direct that the local governing body reconsiders reinstatement

The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the student, parents, local governing body, Headteacher and LA.

23. Conducting local governing body meetings or IRPs via remote access

Parents, or excluded students if they are 18 or older, will be able to request that local governing body meetings or independent review panels are held via remote access; however, parents and students will be made aware that this is not the default option.

Where a parent or student makes a request correctly in line with instructions set out in the Headteacher's or local governing body's written notification, the local governing body or LA will hold the meeting via the use of remote access.

Remote meetings and panels will be held in accordance with timelines for face-to-face meetings.

Where a request for a meeting to be held via remote access is not made, or the parent or student does not state a preference, the meeting or panel will be held in person unless it is not practicable to do so.

If there is a reason related to extraordinary events or unforeseen circumstances, e.g. an outbreak of an infectious illness, which means it is not reasonable for a meeting or panel to be held in person, it may be held via remote access.

Meetings will only be held via remote access if the local governing body or LA is satisfied that that the meeting can be held fairly and transparently. If this cannot be done, the local governing body or LA will consult with the parent/student if aged over 18 to discuss how a face-to-face meeting can be arranged that will be convenient for them.

If there are technological or internet issues during a remote meeting which compromises the ability for participants to be seen or heard or prevents the meeting from being held fairly and transparently and it is not reasonably practicable to resolve, a face-to-face meeting will be arranged without delay.

When holding meetings or panels via remote access, the local governing body or LA will:

- Comply with relevant equalities legislation.
- Enable access to support which the parent/student is entitled to, including the presence of a friend.
- Confirm with all participants that they have access to the technology that will allow them to participate in the meeting or panel.
- Ensure all the participants will be able to put across their point of view and/or fulfil their function.
- Ensure the remote meeting or panel can be held fairly and transparently.

Where a suspension or exclusion began before 1 September 2023 and a local governing body meeting has not yet been held, the Headteacher will notify the parent/student if aged over 18, either on 1 September or as soon as possible afterwards, that they can ask the local governing body to hold the meeting via the use of remote access.

This also applies if an exclusion began before 1 September, and the parent/student is entitled to make representations but has not yet done so. The Headteacher's notification

will explain how requests must be made and to whom and that requests must be made within three school days of the notification.

Where an exclusion began before 1 September 2023 and an independent review panel has not yet been held, the local governing body must notify the parent/student if aged over 18, either on 1 September or as soon as possible that they can ask the independent review panel to hold the meeting via the use of remote access. This also applies if an exclusion began before 1 September and the parent/student is entitled to apply for an independent review panel but has not yet done so. The notification will explain how requests must be made and to whom and that requests must be made within three school days of the notification.

24. Reconsidering reinstatement following a review following and IRP

Where the independent review panel **instructs** the local governing body to reconsider their decision not to reinstate a student, they will do so within 10 school days of being given notice of the review panel's decision.

The school is aware that if, following an **instruction** to reconsider, the local governing body does not offer to reinstate the student, then the school will be required to make a payment of £4,000 directly to the LA area in which the school is located.

Where the independent review panel **recommends** that the local governing body should reconsider their decision not to reinstate a student, they will do so within 10 school days of being given notice of the review panel's decision. The school is aware that if, following a recommendation to reconsider, the local governing body does not offer to reinstate the student, it will not be subject to a financial adjustment. If, following reconsideration, the local governing body offers to reinstate the student but the parents/student aged over 18 decline, no adjustment will be made to the school's budget.

If the IRP recommends that the governing body reconsiders reinstatement or quash the governing body's decision and direct that they reconsider reinstatement it is important that the governing board reconsiders reinstatement conscientiously, using a thorough process.

The process to set up a GDC to reconsider the original decision will be led centrally by the Trust who will work with the Headteacher of the school and the Chair of the LGB to re-convene a new panel and appoint a new GDC Chair.

In reconsidering the original decision, the Trust, in coordination with the LA, will determine whether the GDC panel should consist of the original panel members or whether a new panel should be formed.

The governors/trustees involved in reconsidering the original decision are not required to receive representations or hear evidence from relevant parties.

However, it is important that any new information and evidence that is relevant to the exclusion is considered at the meeting. It is also important that clear minutes are taken by an independent and professional Clerk.

If the governing board decides to reinstate the student, it will need to determine the date of the reinstatement and notify the Headteacher and the parents/student immediately. A student may not wish to return to the school, but, either way, the decision should be noted on their educational record. As in stage two, a student's intention (or otherwise) to return to the school on reinstatement should not affect the panel's decision to reinstate. It should be based purely upon whether, considering the IRP's recommendations, the school would have made the same decision.

Following reconsideration, the local governing body will notify the parents/student if aged over 18, Headteacher and LA of their reconsidered decision and the reasons for this.

25. Using data

The CEO/Headteacher will ensure that all data regarding suspensions and exclusions is collected and provided to the trust board/local governing body on a termly basis. The local governing body will review this data regularly in order to:

- Consider the level of student moves and the characteristics of students who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- Gather information on students who are taken off the roll and those who are on the roll but attending education off-site.
- Determine whether there are any patterns of suspensions and exclusions across the trust.
- Consider the effectiveness and consistency in implementing the Behaviour Policy.
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Understand the characteristics of suspended and excluded students and evaluate equality considerations.
- Gather information on where students are receiving repeat suspensions.
- Evaluate interventions in place to support students at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.
- Analysing 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.

26. Monitoring and Evaluation

This policy will be reviewed annually in line with DfE Statutory guidance. At every review, it will be approved by the Trust Board.

27. Equality Impact Assessment

The Trust will carry out an Equality Impact Assessment in order to ensure that policies, procedures, and practices cater for individuals who share protected characteristics in relation to the Equality Act 2010. The purpose of these assessments is to ensure that policies, procedures and practices within the organisation are fair to all. If unfairness is highlighted, the assessment will also seek to show how this can be changed and, where it can't be changed, how it can be improved.

The Trust will monitor the impact of the policy to assess whether there is evidence of a detrimental impact on anyone with a protected characteristic as a result of the application of this policy. The assessment will include consideration of adaptations or changes which can be made to address any issues identified.

Appendix 1 - Incidents that may result in Exclusion/ Suspension

Physical assault against students includes:

- Fighting
- Violent behaviour
- Wounding
- Obstruction and jostling

Physical assault against an adult include:

- Violent behaviour
- Wounding
- Obstruction and jostling

Verbal abuse/threatening behaviour against students includes:

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

Verbal abuse/threatening behaviour against an adult includes.

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

Bullying includes:

- Verbal
- Physical
- Cyber-bullying
- Prejudice based bullying
- Discriminatory bullying
- Homophobic bullying
- Racist bullying

Racist abuse includes:

- Racist taunting and harassment
- Derogatory racist statements
- Swearing that can be attributed to racist characteristics
- Racist bullying
- Racist graffiti

Sexual misconduct includes:

- Sexual abuse
- Sexual violence
- Sexual assault
- Sexual harassment
- Lewd behaviour
- Sexual bullying
- Sexual graffiti

Drug & Alcohol related includes:

- Possession of illegal drugs
- Inappropriate use of prescribed drugs
- Drug dealing
- Smoking
- Alcohol abuse
- Substance abuse

Damage (includes damage to school or personal property belonging to any member of the school community)

- Vandalism
- Arson
- Graffiti

Theft includes:

- Stealing school property
- Stealing personal property (student or adult)
- Stealing from local shops on a school outing
- Selling and dealing in stolen property

Persistent disruptive behaviour

- Challenging behaviour
- Disobedience
- Persistent violation of school rules