

ATLP Suspensions and Exclusions Policy



Document Control

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Introduction

The Arthur Terry Learning Partnership (ATLP) is committed to following all statutory procedures regarding exclusions and suspensions to ensure that every child receives an education in a safe and caring environment.

The ATLP aims to:

- ensure that the exclusions and suspensions process is applied fairly and consistently.
- help trustees, advocates, staff, parents and carers and students understand the exclusions and suspensions process.
- ensure that students in school are safe and happy.
- ensure all suspensions and permanent exclusions are carried out lawfully.

The ATLP 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/carer 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.”

Schools within the ATLP will not suspend or exclude students unlawfully by directing them off site, or not allowing students to attend school:

- without following the statutory procedure or formally recording the event as a suspension, 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/carer to encourage them to remove their child from the school.

Legal Framework

This policy has due regard to the related statutory guidance & legislation including, but not limited to, the following:

- [Suspension and permanent exclusion from maintained schools, academies and student referral units in England, including student movement 2023](#)
- [Section 51a](#) of the Education Act 2002, as amended by the Education Act 2011
- [Section 29A](#) of the Education Act 2002

- [The School Discipline \(Student Exclusions and Reviews\) \(England\) Regulations 2012](#)
- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parent/carers' responsibility for excluded students
- Sections 90 & 91 of the [Education and Inspections Act 2006](#) detailing the general power to discipline
- Section 94 of the Education and Inspections Act 2006 detailing powers of confiscation
- 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](#)
- [Behaviour in schools: advice for headteachers and school staff](#) (DfE 2022)
- ['Special educational needs and disability code of practice: 0 to 25 years'](#) (DfE 2015)
- ['Mental health and behaviour in schools'](#) (DfE 2018)
- [Keeping children safe in education 2023](#)

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

Definitions

- **Suspension** – when a student is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'. At the end of the period, they are expected to return to school following a reintegration meeting. A student may receive a maximum of 45 days of suspension in an academic year before being permanently excluded.
 - **Permanent exclusion** – when, subject to a decision of the Appeals and Exclusions Committee to reinstate the student to the school, a student is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'. A decision to permanently exclude will only be taken in response to a serious breach or persistent breaches of the school's behaviour policy, and when allowing the student to remain in school would seriously harm the education or welfare of the student or others, such as staff or students, in the school.
 - **Off-site direction** – when a student attends another education setting temporarily, to improve their behaviour.
 - **Parent/carer** – 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 parent/carers and the admission authority for the new school, should consent before a managed move occurs.

Roles and responsibilities

All members of the ATLP community are expected to follow this policy. Roles, responsibilities and expectations of each section of the ATLP community are set out in detail below.

The Headteacher

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

Prior to any permanent exclusion, the headteacher must discuss the case and obtain the approval of the relevant Director of Education (Primary or Secondary). This is part of the ATLP's responsibility to ensure and assure compliance with its statutory responsibilities and should not be interpreted as undermining the accountability or authority of the individual headteacher.

Prior to any suspension that results in a student's total days out of school due to suspension in a term exceeding 10, the headteacher must notify their Strategic Lead.

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

- in response to a serious breach 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, including whether the incident(s) leading to the exclusion was/were provoked. In so doing, the headteacher will apply the civil standard of proof, i.e., 'on the balance of probabilities' it is more likely than not that a fact is true. This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen.
- consider whether the student has special educational needs and/or a disability (SEND).
- 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.
- consider any risks to the student's welfare, carrying out a risk assessment if necessary and ensuring that such risks are minimised. As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, schools should follow general safeguarding principles as found in Keeping Children Safe in Education. This is particularly the case when dealing with allegations of child-on-child abuse.

The headteacher will take into account the views of the student, considering these in the 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/carer 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 parent/carers

If a student is at risk of suspension or exclusion the headteacher will inform the parent/carers as early as possible, in order to work together to consider what factors may be affecting the student's behaviour, and what further support can be put in place to improve the behaviour.

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

The parent/carers will also be provided with the following information in writing, without delay:

- the reason(s) for the suspension or exclusion.
- the length of the suspension or, for a permanent exclusion, the fact that it is permanent.
- parents'/carers' right to make representations about the suspension or permanent exclusion to the Exclusions Committee and how the student may be involved in this.
- how any representations should be made.

When there is a legal requirement for the Exclusions Committee to hold a meeting to consider the reinstatement of a student, parent/carers (or the student if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend.

The headteacher will also notify parent/carers 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 parent/carers 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;
- parent/carers 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 parent/carers' consent.

When notifying parents about a suspension or permanent exclusion, the headteacher should draw attention to relevant sources of free and impartial information. This information is included in this policy, please see Appendix 6.

When the school or the Trust communicates with parents regarding suspensions or exclusions, this will primarily be through email. Formal notice (i.e., decisions to suspend/exclude or panel decisions) is deemed to have been given on the same day if it is given by email, or on the second working day after posting if sent by first-class mail. The ATLP endeavours in all instances of suspensions and exclusions to give formal notices to parents/carers both electronically by email and by written letter.

Informing the Director of Education

The headteacher will, without delay, notify the Director of Education of the relevant phase of:

- any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a student. Note – the Director of Education will have already recognized any decisions to permanently exclude.
- any suspension or permanent exclusion which would result in the student missing a National Curriculum test or public exam.

Informing the Strategic Lead

The headteacher will, without delay, notify their Strategic Lead of:

- any suspension or permanent exclusion of a student with a social worker / a student who is looked after or previously looked after.
- any permanent exclusion.
- *any suspension which results in the student being suspended for a total of more than 5 consecutive school days (or more than 10 consecutive lunchtimes) in a term.*

Informing the Governance and Compliance Manager and PA to CEO

The headteacher will notify the Governance and Compliance Manager and PA to the CEO within 24 hours of the approved decision to permanently exclude any student, a suspension which would bring a student's total number of days out of school to more than 15 in a term, or a suspension that would result in a student missing a public exam or National Curriculum test. The notification will include the student's name & year group.

Informing the local authority (LA)

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

The notification will include the reason(s) for the suspension or permanent exclusion, the length of a suspension or, for a permanent exclusion, the fact that it is permanent.

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

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

If a:

- student with a social worker is at risk of suspension or permanent exclusion, the headteacher will inform the social worker as early as possible and involve them, the student's parents and the Designated Safeguarding Lead in relevant conversations.
- student who is a looked-after child (LAC) is at risk of suspension or exclusion, the headteacher will inform the virtual school head (VSH) as early as possible and involve them, the student's parents and the Designated Safeguarding Lead in relevant conversations.

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 and/or the designated teacher will inform their school's Strategic Lead, 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 decision.
- the length of the suspension or, for a permanent exclusion, the fact that is permanent.
- the suspension or permanent exclusion affects the student's ability to sit a National Curriculum test or public exam (where relevant).

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

Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, (or one that has not yet begun), but this will only be done where it has not yet been reviewed by the Exclusions Committee. When there is a cancellation, the headteacher (or their delegate) is responsible for notifying the following individuals without delay (the notification must also provide the reason for the cancellation):

- the parent/carers, Director of Education for the relevant phase and LA.
- the Governance & Compliance Manager and the PA to the CEO where the suspension or exclusion was due to be heard by an Appeals and Exclusions panel, who in turn will notify the panel members.
- when relevant, any social worker and VSH

Parent/carers will be offered the opportunity to meet with the headteacher to discuss the cancellation, and 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.

Providing education for suspended/ permanently excluded students

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

for this purpose. If the student has a special educational need and/ or disability, (SEND) the headteacher will make sure that reasonable adjustments are made to the provision when 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. When this isn't possible, the school will take reasonable steps to set and mark work for the student, including the use of online platforms.

For any suspension of more than 5 school days, the headteacher or their delegate will arrange suitable full-time education for the student (alternative provision). This provision will begin no later than the sixth day of the suspension.

When a student receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be arranged from the sixth day of suspension.

The headteacher 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 headteacher will ensure that the provision is suitable and appropriate. This will include regular quality assurance of the provision. The headteacher will ensure that, as far as possible, all such provision is registered with the DfE. When a student has special educational needs and/or a disability, the headteacher will ensure that the provision can meet their needs. Any form of offsite direction must always be in the student's best interest.

The Directors of Education

The Directors of Education are responsible for:

- authorising decisions to permanently exclude based on the information shared with them, challenging such decisions when necessary to ensure that permanent exclusion has been used as a last resort.
- informing the CEO.
- reviewing and validating data via the trust data team.
- ensuring that a termly report is available for analysis by the Trust Board.

Strategic Leads

ATLP Strategic Leads (Primary/Secondary) are responsible for:

- advising headteachers including support and challenge regarding alternative options to suspension and exclusion available.
- checking exclusions and suspensions panel paperwork prior to it being sent out.
- reviewing headteachers' decisions to suspend when students have been suspended for more than 10 days in a term, and/or where a student with a social worker or looked after/previously looked after child has been suspended.
- ensuring 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 student is benefiting from it.

Governance & Compliance Manager & PA to the CEO

The Governance & Compliance Manager and PA to the CEO are responsible for:

- Coordinating an Appeals and Exclusions Committee to consider any suspensions or exclusions as required under the terms of this policy or legislative guidance.
- Liaising with the Appeals and Exclusions Committee to share exclusion paperwork and confirm date, time, location and clerk of meeting (location and clerk provided by the school).
- Checking Appeals and Exclusion Committee decision letters drafted by the meeting clerk before distribution to parents.
- Maintaining record-keeping related to suspensions and exclusions considered by Appeals and Exclusion Committees.

School Administration Team

The relevant staff member at the school issuing the suspension/exclusion is responsible for:

- Producing the suspension/exclusion documentation pack and sharing it with the Governance & Compliance Manager, and PA to the CEO.
- Arranging a suitable location and clerk for hearings.
- Communicating all details of any Appeal and Exclusion Committee hearing with parents, local authorities, social workers and VSH's including date, time, location, panel and clerk names and sharing of the documentation pack.
- Distribution of Appeal and Exclusion Committee letter of outcome to parents/carers, LA, social workers (where applicable) and VSH.
- Arranging for the removal of any permanently excluded student's name from the school roll.

The Appeals and Exclusions Committee

The ATLP Trust Board has delegated the consideration and review of suspensions and exclusions to the Appeals and Exclusions Committee, which maintain formal terms of reference, and may comprise Advocates and/or Trustees from within the ATLP Governance Network. If an Advocate or Trustee has a connection with the student/family, or knowledge of the incident that led to the exclusion that could affect his or her ability to act impartially, he or she should step down.

The Appeals and Exclusions Committee has a duty to consider parents/carers' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded student.

The Trust Board

The ATLP Trust Board will scrutinise and challenge the data on schools' use of suspension, exclusion, off-site direction including alternative provision and managed moves.

The Trust Board ¹will consider:

- how effectively and consistently schools' behaviour policies are being implemented.
- instances of 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 managed moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies are not working.
- Any trends in the data regarding students who are suspended and permanently excluded students, and possible reasons for these trends.
- the cost implications of directing students off-site.

The Trust Board is responsible for responding to any request from the Secretary of State for information about any suspensions or exclusions within the previous 12 months within 14 days of receiving any such request.

The Local Authority (LA)

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 have been permanently excluded.

For students who are LAC 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.

Parents/carers

Parents/carers will be informed without delay of any suspension or exclusion of their child. They will be advised of their right to make representations in regard to any suspension or exclusion decision. Details of their rights will be included in the letter that is sent from the headteacher.

If parents/carers have any concerns or complaints over the application or implementation of this policy or feel that they are being pressured into a managed move, they should raise their concerns with the headteacher or an alternative complaints contacts ²in accordance with the [ATLP Complaints Policy](#). If the concern relates to an exclusion, the procedure set out in the suspension and exclusions [statutory guidance](#) will be followed. Parents/carers should avoid approaching individual Advocates or Trustees in the first instance regarding specific suspensions or exclusions, as this may prevent them from being able to participate in an Appeals and Exclusions or Complaints Committee

¹ Consideration may be delegated to the School Improvement Standards Scrutiny Committee, Advocate Committees and Appeals and Exclusions Committees.

² Complaints contacts are outlined in Appendix 2 of the [ATLP Complaints Policy](#),

Considering the reinstatement of a student

An Appeals and Exclusions Committee 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 when:

- 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.

The ATLP will convene in-person meetings of the Appeals and Exclusions Committee by default. Parents (if the student is under 18) or excluded students (if they are aged 18 years or older) may request the Appeals and Exclusions Committee meeting to be held via the use of remote access. This request must be made within three school days of receiving notice of the suspension or exclusion. Where a parent or student (as appropriate) does not request a remote meeting or does not state a wish either way, the meeting will be held in person unless it is not reasonably practicable to do so in person for a reason related to extraordinary events or unforeseen circumstances such as a school closure due to floods, fire or outbreak of infectious illness/disease.

If there are technological or internet network issues during a meeting held via the use of remote access 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 despite the parent / student's request.

The principles outlined in Appendix 7 will be considered in determining whether a meeting can be held fairly and transparently via remote access.

When 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, the Appeals and Exclusions Committee must consider any representations made by parent/carers. However, it is not required to arrange a meeting with parent/carers, and it cannot direct the headteacher to reinstate the student.

When the student has been suspended for more than 5 days, but less than 16 days in a single term, and the parent/carers make representations, the Appeals Exclusions Committee will consider and decide on the reinstatement of the student within 50 school days of receiving notice of the suspension. If the parent/carers do not make representations, the Appeals and Exclusions Committee is not required to meet, and it cannot direct the headteacher to reinstate the student.

When a suspension or permanent exclusion would result in a student missing a public exam or national curriculum test, the Appeals and Exclusions Committee 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 Exclusions 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 Appeals and Exclusions Committee and allowed to make representations or share information:

- Parent/carers, or the student if they are 18 or over (and, when 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.
- A representative of the local authority may also be invited.

The ATLP will make every effort to convene the Appeals and Exclusion Committee within the statutory time limits set out above and will 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 Appeals and Exclusions Committee 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 Appeals and Exclusions 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 committee.

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

When CCTV footage is available of behavioural events/incidents relating to a permanent exclusion or suspension, footage may be viewed as part of the investigation, with the content considered before a decision to exclude or suspend is made. When facts are in dispute and CCTV must be relied upon for a decision on a suspension or exclusion at an Appeals and Exclusion Committee meeting, any such viewing of would be in accordance with the ATLP's CCTV and/or Health and Safety Policy and Privacy notices with redactions as necessary. CCTV footage review by a panel is only permissible when it is required to confirm that an incident took place that threatened the safety of students, staff or the public or when a student is suspected of breaking the law and there is no alternative reliable evidence (e.g., witness statements).

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

Copies of the minutes may be shared with all parties upon request.

The Appeals and Exclusions Committee will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- the parents/carers, or the student, if they are 18 or older
- the headteacher
- the student's social worker, if they have one
- the VSH, if the student is looked after
- the local authority
- the student's home authority, if it differs from the schools.

When an exclusion is permanent and the Appeals and Exclusions Committee has decided not to reinstate the student, the letter notifying the decision will also include the information set out below.

- The fact that it is a permanent exclusion.
- Notice of parents'/carers' 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 exclusions committee decision is given to parents/carers).
- 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, when appropriate, it should include reference to how the student's special educational needs and/or disabilities (SEND) are considered to be relevant to the permanent exclusion.
- That, regardless of whether the excluded student has recognised SEND, parents/carers have a right to require the ATLP to appoint a SEND expert to advise the review panel.
- Details of the role of the SEND expert and that there would be no cost to parent/carers for this appointment.
- That parents/carers must make clear if they wish for a SEND expert to be appointed in any application for a review.
- That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review.
- That, if parents/carers 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. Any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

Independent review

If parents/carers apply for an independent review within the legal timeframe, the ATLP will arrange for an independent panel to review the decision of the Appeals and Exclusions Committee not to reinstate a permanently excluded student.

Parents should send their request to Governance@atlp.org.uk where it will be addressed by either the Governance and Compliance Manager or the PA to the CEO.

Parents/carers may request an independent panel review even if they did not make a case to, or attend, the Exclusions Committee initial consideration of the exclusion.

Applications for an Independent review must be made within 15 school days of notice being given to the parents/carers by the Appeals and Exclusion Committee 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 request received outside this time frame shall be rejected in accordance with statutory guidance.

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. The panel will consist of:

- 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 from outside the ATLP 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 trustee or an advocate 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 ATLP 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 ATLP, school, governing board, parents/carers or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality.
- have not completed requisite training within the previous 2 years as outlined in Appendix 1.

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/carers 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 SEND expert is present, the panel must seek and have regard to the SEND expert's view of how SEND may be relevant to the 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 one of the following:

- uphold the decision of the Appeals and Exclusions Committee not to reinstate the student
- recommend that the Appeals and Exclusions Committee reconsiders reinstatement
- quash the Appeals and Exclusions Committee'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 Appeals and Exclusions Committee at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the Appeals and Exclusions Committee and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers is unreasonable for the Appeals and Exclusions Committee to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the Appeals and Exclusions Committee 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. It is binding on the student, parent/carers, the Trust Board, headteacher and the LA.

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 Appeals and Exclusions Committee does not subsequently decide to offer to reinstate the student within 10 school days.
- any information that the panel has directed the Appeals and Exclusions Committee to place on the student's educational record.

School registers

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

- 15 school days have passed since the parents/carers were notified of Appeals and Exclusions Committee decision to not reinstate the student and no application has been made for an independent review panel, or
- the parent/carers 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 Appeals and Exclusions Committee 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. When a student who has been excluded is attending alternative provision, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

Making a return to the LA

When 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 parents/carer with whom the student normally resides
- at least one telephone number at which any parents/carer 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/carers have told the school the student is moving to another school
- when relevant, details of the student's new address, including the new address, the name of the parents/carer(s) the student is going to live there with, and the date when the student is going to start living there, if the parents/carers 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.

Returning from a suspension

8.1 Reintegration strategy

Following suspension or period of off-site direction, the school will put in place a strategy to help the student reintegrate successfully into school life and full-time education. Parents/carers will be consulted in the

development of the reintegration strategy which will be bespoke to meet the needs and circumstances of the individual student.

When 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:

- maintaining regular contact during the suspension or off-site direction and welcoming the student back to school;
- daily contact with a designated pastoral professional in school;
- use of a report card with personalised targets leading to personalised rewards;
- ensuring the student receives academic support upon return to catch up on any lost learning;
- planned pastoral interventions;
- mentoring by a trusted adult;
- support from an external agency, such as a local mentoring charity;
- regular reviews with the student and parents/carers to evaluate and recognise progress being made and raise and address any concerns at an early stage.

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

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

8.2 Reintegration meetings

When a student is suspended or is directed to be educated off-site, upon return to the school both the student and parents/carers will be invited to a reintegration strategy meeting. The purpose of the meeting is to:

- offer the student a fresh start
- help them understand the impact of their behaviour on themselves and others
- teach them how to meet the high expectations of behaviour in line with the school culture
- foster a renewed sense of belonging within the school community and
- build engagement with learning, in order to avoid further suspensions.

School staff will work with the student to understand what led to the behaviour and to establish if any changes can be made or further support implemented from a pastoral or practical perspective that might reduce the chance of repeat behaviours. Previous behaviour is not seen as an obstacle to future success.

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

The meeting can proceed without the parents/carers in the event that they cannot or do not attend.

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

When necessary, schools should work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools team, to identify whether the student has any SEND and/or health needs.

Monitoring arrangements

The Trust Board 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, advocates, trustees and other stakeholders on their perceptions and experiences.

The data will be considered by the subcommittee of the Trust Board, the School Improvement Standards Scrutiny Committee on a termly basis. The committee will determine whether there are patterns across ATLP schools, and review its policies, procedures and practices in order to address any disparity between groups of students identified by such analysis.

Appendix 1 - Independent review panel training

The ATLP must make sure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- the requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions on disciplinary grounds, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- the need for the panel to observe procedural fairness and the rules of natural justice
- the role of the chair and the clerk of a review panel
- the duties of headteachers, governing boards and the panel under the Equality Act 2010
- the effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.

Appendix 2 - ATLP Appeals and Exclusions Panel Meeting Sample Agenda

Note – the format of the meeting may deviate from the below as determined by those present at the meeting.

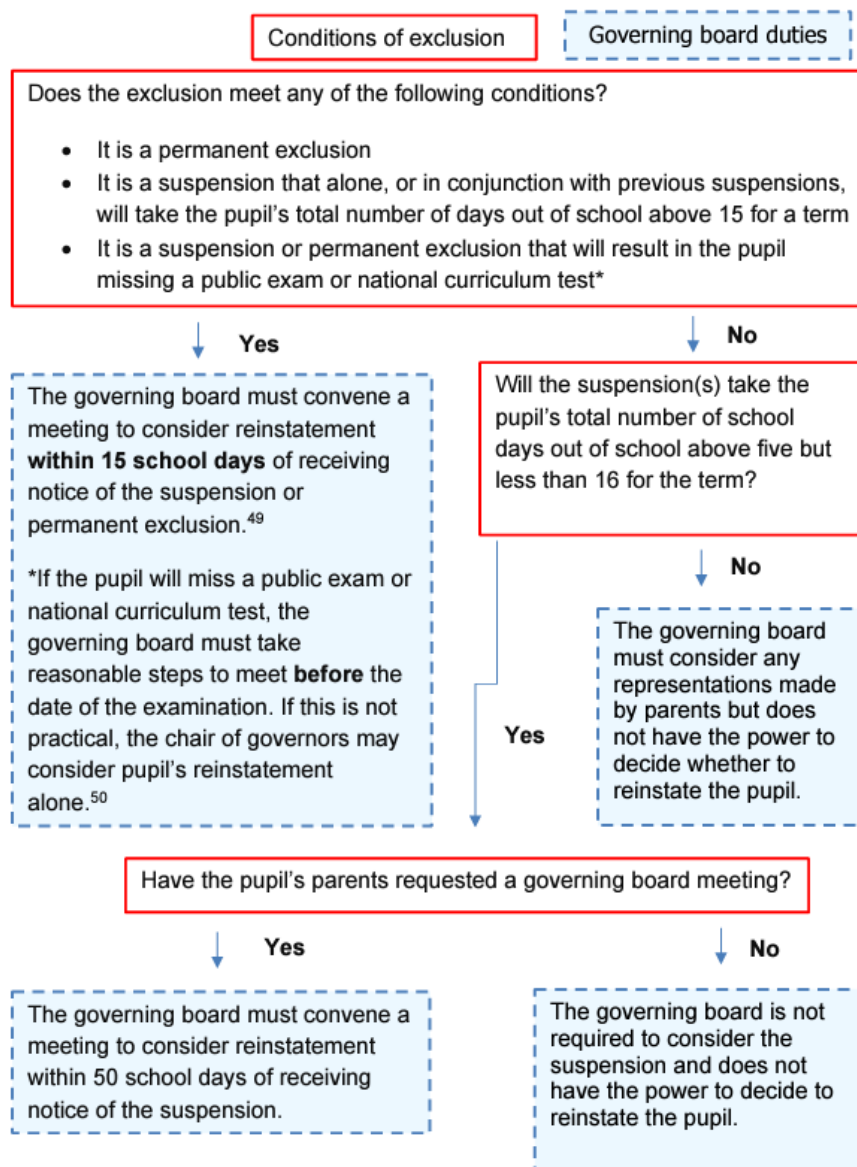
- Chair of the meeting introduces him/herself and asks all parties to introduce themselves.
- Check that all present have received the appropriate written information and explanation to the parents/carers, the student and any representative(s) that the purpose of the meeting is to decide whether the Appeals and Exclusions Panel will consider reinstatement or confirm the permanent exclusion of the student to the school, and that there will be an opportunity for questioning by the other parties after each presentation. (Chair, Clerk or Local Authority Rep can do this)
- Explanation re: how the decision of the meeting will be communicated to all parties - letter confirming the decision to be sent to the parent(s)/carer(s), headteacher and local authority exclusions team without delay.
- Chair of the meeting invites the Head Teacher to explain the reasons for the permanent exclusion of the student.
- All parties may ask questions.
- The Chair asks the parent(s)/carer(s) (and their representative(s) when present) to make their representations regarding the exclusion.
- All parties may ask questions.
- The Chair invites the student (or representative) to make any comments about their exclusion.
- All parties may ask questions.
- If present and Committee gives consent, the local authority officer is asked to give their views on the exclusion.
- All parties may ask questions.
- The Chair invites the headteacher to sum up the case.
- The Chair invites the parent(s)/carer(s) to sum up their case.
- Parent(s)/carer(s), student, representative, headteacher, local authority officer (if present) and others are asked to withdraw whilst a decision is made – meeting for all parties except the Committee members and clerk ends here.

The Clerk may stay with the committee to help them with reference to his/her notes of evidence and in wording their decision.

- The Committee reaches a decision regarding the reinstatement or otherwise of the student.
- Committee complete notice of decision form (if required by the LA). Clerk will draft the letter of decision and share with the Governance & Compliance manager for QA before Clerk/School admin shares with parents & LA. (ATLP standard letter template).

Appendix 3 – Summary outline of obligations to review suspensions/exclusions

The ATLP have delegated the review of suspensions and exclusions to the Appeals and Exclusions Committee



Appendix 4 – Documentation for Appeals and Exclusion Panel’s consideration

The panel should request the written evidence and information relating to the exclusion in advance of the review meeting. Copies of the documentation should be shared with all parties at least 5 school days before the meeting. Documentation may include, but is not limited to, the following:

- a list of all those who will be present at the review meeting
- the school’s exclusion policy
- the school’s behaviour policy
- a report summarising the incidents that led to this meeting
- the student’s behaviour record
- the student’s Education, Health and Care (EHC) plan (where relevant)
- the school’s notes on the student’s SEND (where relevant)
- statements from any witnesses
- professional opinions from relevant experts – for example, educational psychologists, social workers, teachers or teaching assistants who have worked with the student
- attendance data (where relevant)
- evidence of support and interventions attempted before now.

The exclusion review should not be discussed outside of the meeting.

Appendix 5 – Exclusions Actions Matrix

A&EC = Appeals and Exclusions Committee

| Length of the exclusion | Will the exclusion amount to more than 15 days in a single term | Who to inform | Is an automatic A&EC review required? | Can the parents make representations to the A&EC | Time limit for considering representations** | A&EC actions & limitations |
|---|---|--|---------------------------------------|--|---|---|
| Up to and including 5 days | No | Parent – immediately Trust Board – once a term | No | Yes, written. The A&EC is not required to meet with the parents | No specified time limit | The A&EC must consider parents representations. They cannot overturn the HT’s decision or remove the exclusion from the behaviour record but can place a note on the student’s record |
| | Yes | The parents, strategic leads/DoE (as outlined in policy), the A&EC and the LA (plus home authority where relevant) immediately | Yes | Yes, either written or at a meeting to review the exclusion decision | 15 days | A&EC can determine whether the HT’s decision was justified, lawful and procedurally correct. Can direct reinstatement of student. |
| More than 5 days, up to and including 15 days | No | | No | Yes. A&EC must meet with parents to consider representations if parents request it | 50 days | The A&EC must consider parents representations if requested. They can only direct the reinstatement and place a note on the student’s record if parental representations are made. |
| | Yes | | Yes | Yes, either written, or at a meeting of the A&EC to review the exclusion decision | 15 days | A&EC can determine whether the HT’s decision was justified, lawful and procedurally correct. Can direct reinstatement of student. |
| More than 15 days | Yes | | 15 days | | | |
| More than 45 days in an academic year | Yes | | 15 days | | | |
| Permanent | Yes | | 15 days | | | |
| Any exclusion that causes the student to miss a public exam or national curriculum test | N/A | | Yes | 15 days – A&EC must endeavour to meet before the date of the examination | A&EC can determine whether the HT’s decision was justified, lawful and procedurally correct. Can direct reinstatement of student. | |

***A decision to exclude will not be invalidated should a meeting of the A&EC not be convened within the time limits

Appendix 6 –Free and Impartial Information relating to Suspensions and Exclusions

- Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions.

| | |
|--|---|
| <p>Birmingham</p> <p>Monday to Thursday 8.45 am to 5.15 pm Friday 8.45 am to 4.15 pm SENDIAS Birmingham: 28 Oliver St, Nechells, Birmingham, B7 4NX Tel: 0121 303 5004 Email: SENDIASS@birmingham.gov.uk</p> | <p>Coventry</p> <p>Monday to Thursday 9am - 5pm Friday 9am - 4.30pm Limbrick Wood Centre, Thomas Naul Croft Tile Hill, Coventry, CV4 9QX Tel: 02476 694307 Email: iass@coventry.gov.uk</p> |
| <p>Staffordshire</p> <p>Monday to Thursday 9am - 5pm Friday 9am - 4.30pm SENDIASS Staffordshire Family Partnership: C/o Staffordshire County Council, Staffordshire Place 2 Stafford, ST16 2DH Tel: 01785 356921 Email: sfps@staffordshire.gov.uk</p> | <p>Warwickshire</p> <p>Monday to Friday 9am – 5pm KIDS, Canterbury House, Exhall Grange Campus, Easter Way, Ash Green, Coventry, CV7 9HP Tel: 024 7636 6054 Email: warwickshire@kids.org.uk</p> |

For more information see: <https://councilfordisabledchildren.org.uk/what-we-do-0/networks/iassn/find-your-local-ias-service/west-midlands>

- 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 – 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.

Appendix 7 – Free and transparent conditions for consideration of a remote access Appeal and Exclusion Committee meeting

Parents/carers and students must consider the following, before requesting a remote-access meeting:

- the technology that will be used for the meeting.
- Does the parent/carer or excluded student (if they are over 18 years old) have an appropriate space free from other distractions to enable them to participate fully with a remote access meeting.
- Where the parent/carer or excluded student (if they are over 18 years old) have limited access to the Internet, intermittent service or slower speed internet, they should not request a remote meeting.
- Where the parent/carer or excluded student (if they are over 18 years old) initially ask for a meeting to be held via the use of remote access then decide to withdraw the request, they should inform the school without delay. The school should without delay, advise the Governance & Compliance Manager and PA to the CEO who will rearrange the meeting to be held face to face.

To help meetings run smoothly and ensure they are accessible to any participants, the ATLP will:

- provide clear instructions about how to join the meeting virtually, and distribute the joining instructions in a timely manner ahead of the meeting.
- indicate a named person who parents/carers, excluded students (if they are over 18 years old) or any participant should contact, if they have any questions before the meeting takes place.
- consider holding a ‘test meeting’ with any participant to check the available technology is suitable, and that all participants understand how to access the meeting..
- ensure that the Chair of the panel is prepared to explain the agenda at the start and provide clear guidance on how the meeting will be run, for example:
- how participants should indicate they wish to speak
- how any ‘chat’ functions should be used
- whether there will be any breaks in proceedings
- how parents and excluded students can access advocacy services during the meeting