



**PATHFINDER  
SCHOOLS**  
Inspiring greatness

**Primary  
Exclusion and Suspension Policy**

## Document Management Information

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| <b>Applicable to:</b>          | All staff in all Academies and central team including individuals employed by the Trust, contractors and agency staff.<br>All Members, Trustees and governors. |
| <b>Dissemination:</b>          | The policy will be available to staff via Every and the school website.  |
| <b>Implementation:</b>         | Applicable to all Pathfinder Schools academies   |
| <b>Training:</b>               | On request   |
| <b>Review Frequency:</b>       | The policy will be reviewed every 3 years or if new statutory guidance is issued.  |
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| <b>Approval by:</b>            | Education Committee  |
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## 1. Introduction

- 1.1. The Pathfinder Schools exclusion policy aims to set out the process that will be followed and the additional considerations around suspensions and exclusions that all academies in the Trust will apply. Good behaviour and self-discipline lead to effective learning and help prepare children and young people for life beyond the school gate.
- 1.2. Where the Trust's approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.
- 1.3. Academies within the Trust will always have regard to the [DfE Suspension and Permanent Exclusion guidance](#) when making decisions on suspensions and exclusions and will follow the law, as set out in the relevant School Discipline (Pupil Exclusions and Reviews) (England) Regulation 2012 (as amended).
- 1.4. This policy should be read in conjunction with the Trust's Behaviour Policy and the SEND policy.

## 2. Policy Scope

- 2.1. This policy applies to all members of the Trust's community. Each academy within the Trust will apply suspensions and exclusions in accordance with this policy and ensure that its contents are relayed to all staff, parents and pupils.

## 3. Legal and Regulatory Framework

- 3.1. This policy is compliant with the following legislation and statutory guidance.
  - The Education Act 2002, as amended by the Education Act 2011;
  - The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
  - The Education and Inspections Act 2006;
  - The Education Act 1996;
  - The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014;
  - Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement, July 2022);
  - Behaviour in Schools Advice for headteachers and school staff, July 2022.
  - Mental Health and Behaviour in Schools, November 2018;
  - Understanding your data: a guide for school governors and academy trustees, September 2021.

## 4. Types of exclusion

- 4.1. Suspensions and permanent exclusions are different.
- 4.2. **Suspensions** (previously called fixed-term exclusions) are where a pupil is prevented from attending the academy for a fixed period. At the end of the period, they are expected to return to the academy following a reintegration meeting. A pupil may receive a maximum 45 days of suspension in an academic year before being permanently excluded.
- 4.3. A suspension may be used to provide a clear signal of what is unacceptable behaviour

as part of the Trust's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a pupil, Headteachers should consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

- 4.4. It is important that during a suspension, pupils still receive their education and Headteachers should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising any online pathways such as Microsoft Teams or Oak National Academy.
- 4.5. The academy's legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period.
- 4.6. Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways should always be recorded as a suspension.
- 4.7. A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the Headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a pupil discipline committee meeting is triggered.
- 4.8. The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. 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 suspension.
- 4.9. **Permanent exclusions** are where, subject to a decision of the governor's pupil discipline committee to reinstate the pupil to the academy, the pupil is prevented from attending the academy again.
  - in response to a serious breach or persistent breaches of the Trust's behaviour policy;

**and**

  - where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the academy.
- 4.10. For any permanent exclusion, Headteachers will take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision.
- 4.11. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) will also be considered.

## 5. **Reasons and recording exclusions**

- 5.1. Headteachers should use their professional judgement based on the individual circumstances of the case when considering whether to suspend or exclude a pupil. The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion. This list is non- exhaustive and is intended to offer examples rather than be complete or definitive.
  - Physical assault against a pupil

- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

## 6. Roles and responsibilities

- 6.1. All members of the Trust's community are expected to follow this policy. Roles, responsibilities and expectations are set out in detail below.
- 6.2. **The Headteacher:** All decisions to suspend or permanently exclude a pupil will be taken by the Headteacher after considering all the circumstances. Every decision made will be proportionate to the seriousness of the behaviour with reference to the Trust's behaviour policy. Any decision must be made in line with the principles of administrative law, ie, that it is: lawful; rational; reasonable; fair; and proportionate. When establishing the facts in relation to an exclusion the Headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities', it is more likely than not to be true. This is a lower threshold than the criminal standard of 'beyond reasonable doubt'.
- 6.3. Before taking a decision to suspend or exclude, Headteachers need to ensure they have thought about all relevant issues in order to be satisfied that suspension or permanent exclusion is the appropriate course of action. This includes making sure a full and thorough investigation has been carried out; considering alternatives to exclusion; considering what support and interventions have been provided and the impact of these; calling an emergency review of an Education Health and Care Plan (EHCP) or review of a Personal Education Plan (PEP) for looked after children (where applicable); seeking advice/guidance from relevant external agencies; and considering any mitigating or contributory factors that might explain the behaviour, such as bullying, provocation, deteriorating mental health and/or bereavement, as well as ascertaining whether the pupil belongs to a vulnerable group.
- 6.4. It is only after running through all these considerations that Headteachers and, consequently, Trustees sitting on pupil discipline committees can be satisfied that a suspension or permanent exclusion really is a decision of last resort. A checklist for Headteachers is set out in **Appendix 1**.
- 6.5. Headteachers and other **senior staff** from across the trust (who have received appropriate panel training) may be required to sit as part of the pupil discipline committee to review exclusions and suspensions when required to do so however:
- 6.6. **Governors and Trustees:** Governors and Trustees are responsible for forming pupil discipline committees to review exclusions and suspensions when required to do so, when requested by parents, or it is, in their view, prudent to review an individual decision. In each case, the decision of the pupil discipline committee will be to decide whether to uphold the exclusion or suspension, or instead to reinstate the pupil to the academy. Note: Where a suspension brings the total exclusion days to 5 days or less in a single term, the committee must consider any written representation made by parents at a meeting but cannot direct reinstatement. The statutory requirements to consider an exclusion/suspension are set out in **Appendix 2**.

6.7. **Parents:** Parents will be informed without delay of any suspension or exclusion and there is an ability to make representations in regard to any suspension or exclusion decision. Details will be provided on the rights parents have with every letter that is sent from the Headteacher.

6.8. **Pupils:** All pupils of the academies in the Trust are expected to follow the expectations regarding their behaviour to ensure that all pupils can learn and participate in school life effectively. Where those expectations are breached, the behaviour policy will apply.

## 7. **CCTV, witness evidence and pupil views**

7.1. The Trust uses Close Circuit Television (CCTV) within some of its premises. This is to provide a safe and secure environment for pupils, staff and visitors. If behavioural incidents are recorded on CCTV, the footage may be viewed as part of the investigation and the content considered before imposing a sanction. If CCTV is relied upon for a decision on a suspension or exclusion, then it will be shown in some format (redacted as necessary) at any pupil discipline meeting. Please see the Trust's privacy notices for more information.

7.2. Where witness evidence is relied upon, whether that be from a pupil or a staff member, the statement(s) will be provided at any pupil discipline committee meeting. All statements will be signed and dated unless the Headteacher has good reason to protect the anonymity of the relevant witness. Reasons may include threats of reprisals.

7.3. Before taking a decision to suspend or exclude and where appropriate, the Headteacher will take the pupil's views into account, considering these in light of their age and understanding, and inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil will be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. The Headteacher will also take account of any contributing factors identified after an incident of misbehaviour has occurred.

## 8. **Pupils with disabilities and Special Educational Needs (SEN) including those with Education, Health and Care plans (EHC plans)**

8.1. We know from the most recent statistics ([published July 2022](#)) that pupils on SEN support are five times more likely to be permanently excluded, and pupils on EHCPs are more than twice as likely to be permanently excluded.

8.2. Where a SEND child's behaviour is deteriorating, academy leaders are expected to take proactive steps in accordance with the graduated approach of 'Assess, Plan, Do, Review' to address and improve behaviour. Academies must also be mindful of their responsibilities under the Equality Act 2010. Disability is a protected characteristic and, therefore, schools must be careful not to directly or indirectly discriminate, must not treat pupils unfavourably as a consequence of their disability (unless they can justify the treatment as a proportionate means of achieving a legitimate aim) and must make reasonable adjustments to help avoid any substantial disadvantage caused by a policy or practice.

8.3. The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can, in principle, apply both to the suspensions and permanent exclusions process and to the disciplinary sanctions imposed. Under the Children and Families Act 2014, local academy boards of relevant settings must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN.

8.4. Academies should engage proactively with parents in supporting the behaviour of pupils

with additional needs. Where an academy has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability.

- 8.5. Where a pupil has an EHC plan, academies should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude.
- 8.6. For those with SEN but without an EHC plan, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for academies to request an EHC assessment or a review of the pupil's current package of support.

## **9. Pupils who have a social worker, including looked-after children, and previously looked-after children**

- 9.1. For the majority of children who have a social worker, this is due to known safeguarding risks at home or in the community: over half are in need due to abuse or neglect.
- 9.2. For children with a social worker, education is an important protective factor, providing a safe space for children to access support, be visible to professionals and realise their potential. When children are not in an academy, they miss the protection and opportunities it can provide, and become more vulnerable to harm. However, Headteachers should balance this important reality with the need to ensure calm and safe environments for all pupils and staff, so should devise strategies that take both of these aspects into account.
- 9.3. Where a pupil has a social worker, e.g., because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the Headteacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations.
- 9.4. Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority's Virtual School Head (VSH) as soon as possible. The VSH, working with the DT and others, should consider what additional assessment and support need to be put in place to help the academy address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Where relevant, the academy should also engage with a child's social worker, foster carers, or children's home workers.
- 9.5. All looked-after children should have a Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan. This should be reviewed every term and any concerns about the pupil's behaviour should be recorded, as well as how the pupil is being supported to improve their behaviour and reduce the likelihood of exclusion.
- 9.6. Where previously looked-after children face the risk of being suspended or permanently excluded, the academy should engage with the child's parents and the academy's DT. The academy may also seek the advice of the VSH on strategies to support the pupil.

## **10. Informing Parents about a suspension or exclusion**

- 10.1. To ensure that a child receives the correct support and protection during a suspension or permanent exclusion, it is important that those responsible for their care are promptly informed when exclusions occur or there is a risk of them occurring. As well as communicating with the child where relevant throughout the exclusion process.

- 10.2. Whenever a Headteacher suspends or permanently excludes a pupil they must, **without delay**, notify parents of the period of the suspension or permanent exclusion and the reason(s) for it. Notification should be in person or by telephone in the first instance as this will allow parents to ask any initial questions or raise concerns directly with the Headteacher.
- 10.3. The Headteacher must also, without delay, after their decision, provide parents with the following information in writing:
- the reason(s) for the suspension or permanent exclusion;
  - the period of a suspension or, for a permanent exclusion, the fact that it is permanent;
  - parents' right to make representations about the suspension or permanent exclusion to the pupil discipline committee and how the pupil may be involved in this;
  - how any representations should be made; and
  - where there is a legal requirement for the governors to consider the suspension or permanent exclusion, that parents or a pupil if they are 18 years old have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.
- 10.4. A suite of template letters that are compliant with the DfE Statutory Guidance are available.
- 10.5. Where a suspended or permanently excluded pupil is of compulsory school age the Headteacher must also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours.
- 10.6. These days are the first five school days of a suspension or permanent exclusion (or until the start date of any full-time alternative provision or the end of the suspension where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted. The Headteacher must notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session on the first day of the suspension or permanent exclusion.
- 10.7. If alternative provision is being arranged, then the following information must be included with this notice where it can reasonably be found out within the timescale:
- the start date for any provision of full-time education that has been arranged for the child during the suspension or permanent exclusion;
  - 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; and
  - any information required by the pupil to identify the person they should report to on the first day.
- 10.8. Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session on the first day of the suspension or permanent exclusion, it may be provided in a subsequent notice, but it must be provided 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 information can be provided with less than 48 hours' notice with parents' consent.

- 10.9. The information above must be provided in writing but can be provided by any effective method.
- 10.10. If a child is suspended again following their original suspension, or is subsequently permanently excluded, the Headteacher must inform parents and where relevant, the pupil's social worker or local authority if the pupil has an EHCP, without delay and issue a new exclusion notice to parents and the social worker.
- 10.11. Written notification of the information above can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.

## **11. Informing social workers and Virtual School Heads about a suspension or exclusion**

- 11.1. Information sharing is vital in safeguarding children and promoting their welfare, including their educational outcomes. Academies should be proactive in sharing information as early as possible to help identify, assess, and respond to risks or concerns about the safety and welfare of children. Keeping children safe in education and Working Together to Safeguard Children (2018) set out the requirements for schools and colleges about information sharing in more detail.
- 11.2. Whenever a Headteacher suspends or permanently excludes a pupil they must, without delay, after their decision, also notify the social worker, if a pupil has one, and the VSH, if the pupil is a LAC, of the period of the suspension or permanent exclusion and the reason(s) for it. The information provided to parents must be provided in writing to the local authority.
- 11.3. Both the social worker and/or VSH, must be informed when a pupil discipline committee meeting is taking place, in order to share information. The social worker and/or the VSH can attend the meeting, should they wish to do so.
- 11.4. If the pupil is previously looked-after (PLAC) the VSH should provide advice and information, upon request from relevant parties (DT, parents, etc) but does not have a corporate parent role that they have for LAC.

## **12. Informing the governors about an exclusion**

- 12.1. The Headteacher must, without delay, notify the Chair of Governors via email of:
- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
  - any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
  - any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.
- 12.2. The Headteacher must also inform the governors once per term at the Local Academy Board meeting of any other suspensions of which they have not previously been notified.

## **13. Informing the local authority about a suspension or exclusion**

- 13.1. The local authority must be informed without delay of all suspensions and permanent exclusions regardless of the length of the exclusion. – [NNC](#) and [WNC](#)

- 13.2. For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the Headteacher must also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay.
- 13.3. Notifications must include the reason(s) for the suspension or permanent exclusion and the duration of any suspension or, in the case of a permanent exclusion the fact that it is permanent.

#### **14. Informing the Trust's central education teams and formal record keeping**

- 14.1. All suspensions and permanent exclusions must be reported to the Director of School Improvement via the Pathfinder Schools suspension and exclusion form, which can be found at **Appendix 3**.
- 14.2. All academies must record suspensions and exclusions on Bromcom.

#### **15. Reintegration strategy meetings following suspension or off-site direction**

- 15.1. Where a pupil is suspended or is directed to be educated off-site, upon return to the academy both the pupil and parents will be invited to a reintegration strategy meeting. The purpose of the meeting is to:

- offer the pupil a fresh start,
- help them understand the impact of their behaviour on themselves and others,
- teach them to how meet the high expectations of behaviour in line with the academy culture,
- foster a renewed sense of belonging within the school community; and
- build engagement with learning so that further suspensions are not needed.

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

- 15.2. The academies may use various measures to support a pupil's successful reintegration including:

- daily contact with a designated pastoral professional in-school;
- use of a report card with personalised targets leading to personalised rewards;
- ensuring the pupil receives academic support upon return to catch up on any lost progress;
- planned pastoral interventions;
- mentoring by a trusted adult or a local mentoring charity;
- regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage; and
- informing the pupil, parents and staff of potential external support.

- 15.3. Whilst reintegration meetings are highly encouraged by the Trust, pupils will not be prevented from being admitted to the academy or being put in mainstream classes because a meeting has not taken place.

#### **16. Part-time timetables**

- 16.1. All pupils of compulsory school age are entitled to a full-time education suitable to their age,

aptitude and any special educational needs they may have. In **very exceptional** circumstances, where it is in a pupil's best interests, there may be a need for a school to provide a pupil of compulsory school age with less than full-time education through a **temporary** part-time timetable to meet their individual needs.

16.2. The use of part time or reduced timetables are used as a short term (ideally for no more than **6 weeks**) measure to ensure the successful return to full time education. The decision to place a pupil on a reduced timetable must be approved by the Headteacher following the completion of an Attendance Support Plan. Advice before the adoption of a part time timetable can be sought from the Director of School Improvement. These pupils must also be reported to the LA on a half termly basis. A part-time timetable **should not be used to manage a pupil's behaviour.**

16.3. A part-time timetable should:

- Have the agreement of both the school and the parent the pupil normally lives with.
- Have a clear ambition and be part of the pupil's wider support, health care or reintegration plan.
- Have regular review dates which include the pupil and their parents to ensure it is only in place for the shortest time necessary.
- Have a proposed end date that takes into account the circumstances of the pupil, after which the pupil is expected to attend full-time, either at school or alternative provision. It can, however, be extended as part of the regular review process. In some limited cases, a pupil with a long-term health condition may require a parttime timetable for a prolonged period.

16.4. In agreeing to a part-time timetable, an academy has agreed to a pupil being absent from the academy for part of the week or day and therefore must treat absence as authorised.

## **17. Suspensions before a permanent exclusion**

17.1. In exceptional circumstances, pupils may receive a suspension prior to a permanent exclusion. For each decision, the Headteacher will send the relevant letter setting out the rights of parents. A suspension cannot be converted into a permanent exclusion and so any subsequent permanent exclusion would be a fresh decision due to commence immediately after the suspension had ended. Exceptional circumstances may include where further evidence has come to light or where the incident was serious and time is required to fully investigate the circumstances and consider alternatives.

## **18. Cancelling Exclusions**

18.1. The Headteacher may cancel an exclusion that has already begun, but this should only be done where it has not yet been reviewed by the pupil discipline committee. Where an exclusion is cancelled, then:

- Parents, the Chair of Governors, and the local authority should be notified without delay and, if relevant, the social worker and Virtual School Head;
- Parents should be offered the opportunity to meet with the Headteacher to discuss the circumstances that led to the exclusion being cancelled;
- Academies should report to the governors once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governors to have appropriate oversight and;

- The pupil should be allowed back into the academy.

## 19. Directing off-site and managed moves

- 19.1. Before taking any decision to permanently exclude a pupil, the Headteacher will consider whether a direction to attend alternative provision and/or a managed move as part of a planned intervention would be a reasonable alternative that should be considered.
- 19.2. **Off-site direction:** Off-site direction is when an academy requires a pupil to attend another education setting to improve their behaviour. Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction can be used to arrange time- limited placements at an Alternative Provision or another mainstream school. During the off-site direction to another school, pupils must be dual registered. When possible, in-school interventions or targeted support from Alternative Provision schools should be used to meet a pupil's individual needs and circumstances – whether behavioural or special educational.
- 19.3. Depending on the individual needs and circumstances of the pupil, off-site direction into Alternative Provision can be full-time or a combination of part-time support in Alternative Provision and continued mainstream education. A proposed maximum period of time should be discussed and agreed upon as part of the planning phase for an off-site direction. As part of planning, alternative options should be considered once the time limit has been reached, including a managed move on a permanent basis (if a pupil is in a mainstream school) upon review of the time-limited placement.
- 19.4. While parental consent is not needed, discussions should take place with parents to feed in their views about the options.
- 19.5. **Managed Move:** A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves should be voluntary and agreed with all parties involved, including the parents and the new school. If a temporary move needs to occur to improve a pupil's behaviour, then off-site direction (as described above) should be used. Managed moves should only occur when it is in the pupil's best interests.
- 19.6. Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the academy is contemplating a managed move, it should contact the authority prior to the managed move. If the local authority, both schools and parents are in agreement that there should be a managed move, the local authority will need to follow the statutory procedures for amending a plan.
- 19.7. Managed moves should be offered as part of a planned intervention. The academy should be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multi- agency support, or any statutory assessments were done or explored prior to a managed move.
- 19.8. The managed move should be preceded by information sharing between the academy and the new school, including data on prior and current attainment, academic potential, a risk assessment and advice on effective risk management strategies. It is also important for the new school to ensure that the pupil is provided with an effective integration strategy.
- 19.9. If a parent believes that they are being pressured into a managed move or is unhappy with a managed move, they can take up the issue through the Trust's formal complaints procedure.

## 20. Safeguarding, including guidance concerning pupils who have abused another pupil (commonly known as child-on child abuse)

- 20.1. There are a number of considerations following a serious safeguarding allegation between pupils. In the first instance, an immediate risk assessment will be carried out and measures put in place to protect the alleged victim and perpetrator while an investigation is carried out. That risk assessment will be kept under review and updated as and when new information comes to the academy's attention.
- 20.2. Statutory guidance 'Keeping Children Safe in Education' will be followed, along with Trust child protection and safeguarding procedures.
- 20.3. Advice and guidance from the local authority/social care should be sought, and if the police are involved, close liaison between the designated safeguarding lead and the police will also be necessary. Often school investigations will be limited so as not to prejudice a police investigation, but this does not mean that a decision to exclude cannot be taken.
- 20.4. In such circumstances, the Headteacher will need to take a decision on the evidence available to them at the time and be satisfied that there is sufficient evidence to draw conclusions on the balance of probabilities. All the usual pre-exclusion considerations will also apply.

## **21. Pupil Discipline Committee consideration of suspensions and exclusions**

- 21.1. The Committee has a key responsibility in considering whether excluded pupils should be reinstated. This forms part of their wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties.
- 21.2. The Committee has a duty to consider parents' representations about a suspension or permanent exclusion. The requirements on the Committee to consider the reinstatement of a suspended or permanently excluded pupil depend upon a number of factors which are illustrated in **Appendix 2**. To consider a suspension or exclusion, the pupil discipline committee must be formed of three representatives made up of Governors, Trustees, Heads and senior staff.
- 21.3. The pupil discipline committee must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the Headteacher if:
  - it is a permanent exclusion;
  - it is a suspension which would bring the pupil's total number of school days out of the academy to more than 15 in a term; or
  - it would result in the pupil missing a public examination or national curriculum test.
- 21.4. The requirements are different for suspensions where a pupil would be suspended for more than five but less than 16 school days in a term. In this case, if the parents make representations, the Committee must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the Committee can consider reinstatement on their own.
- 21.5. Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for the Committee. They must, so far as is reasonably practicable, consider and decide on the suspension or permanent exclusion before the date of the examination or test.
- 21.6. The following parties must be invited to a meeting of the pupil discipline committee and allowed to make representations or share information:

- parents (and, where requested, a representative or friend);
- the pupil if they are 18 years or over;
- the Headteacher;
- a representative of the local authority (Note: Parents may request that the local authority and/or the home local authority attend a meeting of an academy's pupil discipline committee as an observer; that representative may only make representations with the governors' consent);
- the child's social worker if the pupil has one; and
- the VSH if the child is LAC.

21.7. The pupil discipline committee must make reasonable endeavours to arrange the meeting within the statutory time limits set out in **Appendix 2** and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

21.8. In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the Committee must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents. Consideration should happen within a reasonable amount of time and may be undertaken by a pupil discipline committee or the next Local Academy Board meeting.

21.9. Taking into account, the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in the pupil discipline meeting and the pupil should be enabled to make a representation on their own behalf if they wish to do so.

21.10. When establishing the facts in relation to a suspension or permanent exclusion the pupil discipline committee must apply the civil standard of proof, i.e., 'on the balance of probabilities' (it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

21.11. In the light of its consideration, the pupil discipline committee can either:

- decline to reinstate the pupil; or
- direct reinstatement of the pupil immediately or on a particular date.

21.12. If a reinstatement meeting would make no practical difference because, for example, the pupil has already returned to the academy following the expiry of a suspension or the parents make clear they do not want their child reinstated, the pupil discipline committee must still meet to consider whether the pupil should or would have been officially allowed back into the academy. A reinstatement meeting should happen as soon as possible and should ideally be held before the pupil is back in the academy.

21.13. If the pupil discipline committee decides against the reinstatement of a pupil who has been permanently excluded the parents can request an independent review.

21.14. A guide on the operation of the pupil discipline committee can be found at **Appendix 4**.

## **22. Independent review panels (IRPs)**

22.1. The relevant local authorities arrange IRPs on behalf of Trust academies, and requests where a permanent exclusion decision has been upheld should be made to the local authority within 15 school days. Requests can also be made to the pupil discipline committee clerk who will contact the local authority however this should be done at the

earliest opportunity to ensure the request can be submitted to the local authority within the 15 school day deadline.

22.2. Further details on the role and powers of IRPs can be found in Part Ten of the Statutory Guidance on Exclusions.

### **23. Reconsideration by the Pupil Discipline Committee following an IRP**

23.1. Where an IRP either recommends reconsideration or quashes the initial decision of the pupil discipline meeting, the decision will be considered within 10 school days. This may involve a rehearing with oral evidence given by the academy and parents or may be a reconsideration with only the Committee and the clerk present.

### **24. Complaints**

24.1. If parents 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 a staff member or the Headteacher in accordance with the Trust's complaints policy. If the concern relates to an exclusion, the statutory procedure set out in the exclusions statutory guidance will be followed.

### **25. Equality and inclusion**

25.1. All children should be equally valued in school. The Equality and Human Rights Commission (EHRC) states that "avoiding discrimination and promoting equality supports the agenda of improving attainment and progression for all pupils. Good education and skills are crucial for opening up opportunities and increasing the change of a successful life. In addition, in England, equality and diversity are specified factors that must be considered in Ofsted inspections.

25.2. Academies also have wider duties to prevent discrimination, to promote equality and to foster good relations for "an equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people value and would choose, so that everyone can flourish. An equal society recognises people's different needs, situations and goals and removes the barriers that limit what people can do and can be." (EHRC, 2014)

25.3. The exclusion rates for certain groups of pupils are consistently higher than average. This includes pupils with SEN; pupils eligible for free school meals; looked after children; and pupils from certain ethnic groups. The ethnic groups with the highest rates of exclusion are: Gypsy/Roma; Travellers of Irish Heritage; and Caribbean pupils.

25.4. The Trust does all it can to ensure that its policies do not discriminate against pupils or others, either directly or indirectly, in line with any Equality Act 2010 protected characteristics. This includes race, religion, disability, sexual orientation, and sex. Before bringing this policy into effect the Trust undertook an equality impact assessment.

### **26. Monitoring arrangements**

26.1. Both governors and trustees review data on suspensions and exclusions to ensure that the use of suspensions and exclusions is appropriate. The following are monitored to ensure the processes and support for pupils are appropriate:

- the interventions put in place for pupils at risk of suspension and permanent exclusion
- the processes in place for determining and reviewing directions to alternative provision and that such placements are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- the full-time educational provision for pupils of compulsory school age from the sixth

consecutive school day of a suspension, in particular checking the provision is suitable and quality-assured to ensure that:

- any previous placements have been evaluated, including support for any applicable SEND;
  - there is a process in place to monitor the pupil's attendance and behaviour at the provision
  - the correct attendance code is being used
  - the pupil's child protection file and any other information relevant to the pupil's safeguarding and
  - welfare has been securely transferred to their new setting as early as possible
  - whether there is any variation within the year on suspensions and permanent exclusions and the characteristics of pupils
  - the cost implications of directing children to be educated off-site in alternative provision and whether there are any patterns to the reasons or timing of moves
  - whether the academy register and absence codes have been recorded correctly
  - how the behaviour policy is applied and specifically its consistency
  - the circumstances in which pupils receive repeat suspensions
  - whether Personal Education Plans for looked after children have been reviewed on a termly basis

## **27. Data Protection**

- 27.1. Pupil discipline committee paperwork always contains personal information and usually contains sensitive personal information about children and others. The Trust expects a high standard of safety to apply this.
- 27.2. In accordance with data protection law (the Data Protection Act 2018 and subsequent amendments), specific measures must be taken to protect the sensitive personal information contained in the evidence bundle and subsequent documents. The information that panellists receive must not be shared with others.
- 27.3. Panellists are also responsible for the security of the information they receive – substantive lapses might constitute a breach of the Code of Conduct.
- 27.4. The following additional steps must be taken to ensure the information is sufficiently protected when shared with panellists, clerks and local authorities outside of the Trust.
- All papers relating to the exclusion shall be password-protected. Passwords will be sent in emails separate to the papers. Other systems, using a secure portal, may also be used.
  - If panellists currently share email accounts with family members or other individuals, they are asked to set up individual email accounts for receipt of papers. Should this not be possible, the password for the papers shall be sent by means other than email (e.g. text).
  - At the conclusion of proceedings, panellists are asked to delete the email containing papers and any downloaded versions.
  - A personal assistant (PA) is considered to be an agent of the panellist and the panellist is responsible for any breach of the Code of Conduct on the part of the PA.

- Panellists will return any printed papers at the conclusion of the meeting for shredding. Should panellists take notes during the meeting, these should be submitted to the clerk for safe-keeping.
- 27.5. Academies and panellists must report any breaches of data security by notifying the Trust's Data Protection Officer immediately ([tio@pfschools.co.uk](mailto:tio@pfschools.co.uk)) of:
- What information has been lost, stolen, or inappropriately shared.
  - The circumstances of the above (i.e. time, place, cause); and

## **28. Record keeping**

- 28.1. The Trust will retain records evidencing compliance with this policy, as set out in the Trust's Data Retention Policy.

## **29. Policy Status**

- 29.1. This policy does not form part of any employee's contract of employment.

## Appendix 1: Headteacher's suspension and exclusion checklist

The Department for Education's statutory guidance on exclusions requires decisions to be lawful, reasonable, fair and proportionate. As such, taking the following matters into account and recording your position in relation to them will be important evidence in showing compliance with the legal framework on exclusions.

| <b>Do you have sufficient evidence to satisfy the tests for suspension or permanent exclusion?</b>  |  |
|---|--|
| What evidence do you have to show a breach of the Trust's behaviour policy?   |  |
| What evidence do you have to satisfy the test at paragraph 11 of the guidance for permanent exclusion (i.e. serious breach or persistent breaches of the behaviour policy and where allowing the pupil to remain in the academy would seriously harm the education and/or welfare of the pupil or others such as staff or pupils in the academy)? |  |
| Does the available evidence satisfy the tests on the balance of probabilities?  |  |
| Have you taken the pupil's views into account, considering these in light of their age and understanding?   |  |
| Do you have witness statements? Are they signed and dated? If not, what is the reason for this?   |  |
| Do your reasons for suspension or permanent exclusion accord with the potential grounds for suspension or exclusion as set out in paragraph 15 of the guidance or are they of similar severity?   |  |
| <b>For suspensions</b>  |  |
| What length of suspension is appropriate and proportionate in the circumstances?  |  |
| What arrangements have been made for work to be provided on days 1 to 5? Or has alternative provision been arranged?  |  |
| Has a reintegration strategy been organised and communicated to the parents as set out in paragraphs 26 and 27 of the guidance?   |  |
| <b>If you need to extend the length of a suspension or issue a permanent exclusion following a period of suspension</b>   |  |
| Do you have new information to justify the new suspension or permanent exclusion and are you satisfied it is sufficient to justify the new decision on the balance of probabilities?  |  |

|   |  |
|---|--|
| Have you sent out a new decision letter to the parents and other relevant stakeholders? |  |
|---|--|

|  |  |
|--|--|
| <b>Is suspension or permanent exclusion the last resort or an appropriate sanction?</b>  |  |
| What alternatives to suspension or permanent exclusion have been considered, including but not limited to off- site directions, managed moves, engagement with parents, provision of mentoring/coaching, use of pupil support units, assessment and support under the SEND framework, and multi-agency support under the “working together” framework? |  |
| Have the circumstances of the pupil been considered and taken into account? Are there any safeguarding concerns that require a multi-agency approach?  |  |
| Does the pupil have SEND? Is an assessment required? Have any reasonable adjustments to academy practices and/or procedures been considered and implemented? If the pupil has an EHCP, have you called an interim/emergency annual review?   |  |
| If the child is looked after, has contact been made with the social worker or virtual school headteacher and has a PEP review been called?   |  |

|   |  |
|---|--|
| <b>Notification</b>   |  |
| Have parents been notified without delay?   |  |
| Have parents received the formal written notification with reasons within three school days?                            |  |
| Have other relevant stakeholders been notified — governors, local authority, social worker, virtual school headteacher? |  |

## Appendix 2: Requirements on governors and Trustees to consider an exclusion/suspension

Department for Education's statutory guidance 2022

| Type of exclusion or suspension | Period of exclusion or suspension  | Requirements  | Timeframe  |
|---------------------------------|--|---|--|
| <b>Permanent</b>                |  | Must consider reinstatement. Must invite parents or pupil if over 18, Headteacher, the pupil's social worker if the pupil has one, the VSH for a LAC and a LA representative must be invited if requested by the parents. (Their role is as an observer unless the governors give permission to make representations) to a meeting and allow oral and written representations to be made.   | Within 15 school days of receiving notice of the exclusion     |
| <b>Suspension</b>               | Any — if exclusion results in pupil missing a public examination or national curriculum test | Must consider reinstatement. Must invite parents or pupil if over 18, Headteacher, the pupil's social worker if the pupil has one, the VSH for a LAC and a LA representative must be invited if requested by the parents. (Their role is as an observer unless the governors give permission to make representations) to a meeting and allow oral and written representations to be made.   | Within 15 school days of receiving notice of the exclusion     |
| <b>Suspension</b>               | Brings total to 16 days or more in a single term   | Must consider reinstatement. Must invite parents or pupil if over 18, Headteacher, the pupil's social worker if the pupil has one, the VSH for a LAC and a LA representative must be invited if requested by the parents. (Their role is as an observer unless the governors give permission to make representations) to a meeting and allow oral and written representations to be made.   | Within 15 school days of receiving notice of the exclusion     |
| <b>Suspension</b>               | Brings total to 6-15 days in a single term   | If requested to do so by parents, must convene a meeting to consider reinstatement. Must invite parents or pupil if over 18, Headteacher, the pupil's social worker if the pupil has one, the VSH for a LAC and a LA representative must be invited if requested by the parents. (Their role is as an observer unless the governors give permission to make representations) to a meeting and allow oral and written representations to be made.<br><br>If parents do not request a governors meeting, the board is not required to consider the suspension but does have the power to consider the reinstatement of the pupil. | Within 50 school days of receiving notice of the exclusion     |
| <b>Suspension</b>               | Brings total to 5 days or less in a single term  | Must consider any written representation made by parents at a meeting but cannot direct reinstatement.  | No deadline. Should happen within a reasonable amount of time. |

### Appendix 3: PATHFINDER SCHOOLS suspension and permanent exclusion record form

|  |                    |                          |               |                          |
|--|--------------------|--------------------------|---------------|--------------------------|
| <b>Date:</b>   |                    |                          |               |                          |
| <b>Pupil Name:</b>   |                    |                          |               |                          |
| <b>Tutor Group:</b>  |                    |                          |               |                          |
| <b>INCIDENT DETAILS</b>  |                    |                          |               |                          |
| Description of the incident including date and time.   |                    |                          |               |                          |
| <b>Statements collected and attached:</b>  |                    | Yes / No                 |               |                          |
| <b>List other supporting evidence:</b>   |                    |                          |               |                          |
| <b>SANCTION ISSUED</b>   |                    |                          |               |                          |
| <b>Permanent Exclusion</b>   |                    | Yes / No                 |               |                          |
| <b>Suspension</b>  |                    | Yes / No                 | No of days:   | Date From:      Date To: |
| <b>NOTIFICATIONS</b>   |                    |                          |               |                          |
| <b>Incident logged on MIS</b>  |                    | Yes / No                 |               |                          |
| <b>Parent informed in-person or verbally by phone</b>  |                    | Yes / No                 | By who:       | Date/time:               |
| <b>Formal letter sent to parent (use templates on policy centre only)</b>  |                    | Yes / No                 | By who:       | Date/time:               |
| <b>Local authority informed</b>  |                    | Yes / No                 | By who:       | Date/time:               |
| <b>Virtual School Head informed (where relevant)</b>   |                    | Yes / No                 | By who:       | Date/time:               |
| <b>Social worker informed (where relevant)</b>   |                    | Yes / No                 | By who:       | Date/time:               |
| <b>Governors informed</b>  |                    | Yes / No                 | By who:       | Date/time:               |
| <b>Clerk and Governance Team notified in cases where pupil discipline committee is required</b>  |                    | Yes / No                 | By who:       | Date/time:               |
| <b>For a suspension of more than five school days, suitable full-time education (alternative provision) been arranged</b>  |                    | Yes / No                 | By who:       | Date/time:               |
| <b>For suspension less than five school days, steps taken to set and mark work for the pupil. Note: In the case of a looked-after child or child with a social worker, the academy and the local authority should work together to arrange alternative provision from the first day following the suspension or permanent exclusion.</b> |                    | Yes / No                 | By who:       | Date/time:               |
| <b>REINTEGRATION STRATEGY (SUSPENSIONS ONLY)</b>   |                    |                          |               |                          |
| <b>Reintegration meeting arranged</b>  |                    | Yes / No                 | By who:       | Date/time:               |
| <b>BACKGROUND INFORMATION</b>  |                    |                          |               |                          |
| <b>Previous suspensions</b>  |                    |                          |               |                          |
| <b>Date</b>  | <b>No. of Days</b> |                          | <b>Reason</b> |                          |
|  |                    |                          |               |                          |
|  |                    |                          |               |                          |
| <b>Attendance %</b>  |                    |                          |               |                          |
| <b>FSM</b>   | Yes / No           | Notes (where applicable) |               |                          |
| <b>CLA</b>   | Yes / No           | Notes (where applicable) |               |                          |

|  |          |                              |
|--|----------|------------------------------|
| <b>EAL</b>   | Yes / No | Notes (where applicable)     |
| <b>LAC</b>   | Yes / No | Notes (where applicable)     |
| <b>SEND status</b>                                       |          | <b>SEND informed:</b> Yes/No |
| <b>Parents views/ pupils views/ other considerations</b> |          |                              |

#### **Appendix 4: Considering the reinstatement of a suspended or permanently excluded pupil**

Where there is a legal requirement to consider the reinstatement of a suspended or permanently excluded pupil a pupil discipline committee should be formed of three members. The meeting will be held in person and they should:

- a) not discuss the suspension or permanent exclusion with any party outside the meeting;
- b) ask for any written evidence in advance of the meeting, including witness statements and other relevant information held by the academy such as those relating to a pupil's SEN and the pupil's academy record;
- c) where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- d) allow parents and the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the governors should first seek parental consent);
- e) invite the pupil's social worker, if they have one, and if the pupil is LAC, the VSH to attend;
- f) comply with their duty to make reasonable adjustments for people who use the academy 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 pupil has a disability with mobility or communication that has an impact upon their ability to attend the meeting or to make representations); and
- g) identify the steps they will take to enable and encourage the suspended or permanently excluded pupil to attend the meeting and speak on their behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding; or how the suspended or permanently excluded pupil may feed in their views by other means if attending the meeting is not possible.
- h) follow a clear agenda which gives everyone an opportunity to have their say.
- i) ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the pupil discipline committee. These minutes should be made available to all parties on request and the record of discussion should state clearly how the decisions have been reached.
- j) before making a decision the pupil discipline committee, ask all parties to withdraw from the meeting. The clerk will stay to help the pupil discipline committee by reference to their notes of the meeting and with the wording of the decision letter.
- k) in reaching a decision on whether a pupil should be reinstated, the pupil discipline committee should consider whether the decision to suspend or permanently exclude the pupil was lawful, reasonable, and procedurally fair. This should consider the welfare and safeguarding of the pupil 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.
- l) complete pupil discipline committee deliberation checklist, as per **Appendix 5** and ensure that it is attached to the minutes of the panel.
- m) note the outcome of the pupil discipline committee's consideration on the pupil's educational record, and copies of relevant papers should be kept with the educational record.
- n) in cases where the pupil discipline committee considers parents' representations but does not reinstate the pupil, it should consider whether it would be appropriate to place a note

of its findings on the pupil's educational record.

- o) where legally required to consider reinstating a suspended or permanently excluded pupil, notify parents or the pupil if they are 18 years or over, the Headteacher, and where relevant, the pupil's social worker and/or the VSH of its decision, and the reasons for it, in writing and without delay. Where the pupil resides in a different local authority area from the one in which the academy is located, the pupil discipline committee must also inform the pupil's 'home authority'. The academy must inform the local authority of the outcome of the meeting as soon as possible after the decision has been notified to them. Note, in the case of a suspension which does not leave the pupil's total number of days of suspension or permanent exclusion above five in a term, or a suspension which leaves the total at or above five but below 15 and where the parent or adult pupil does not make representations, the pupil discipline committee are not required to inform parents about reinstatement.

**Pathfinder Schools guidance notes and supporting templates will be provided to the pupil discipline committee members prior to the meeting.**

## Appendix 5: Pupil Discipline Committee Deliberation Checklist

### What questions should the pupil discipline committee ask and what documents should it see in order for it to make an informed decision?

The pupil discipline committee must consider *“both the interests and circumstances of the suspended or permanently excluded pupil, and that of other pupils, staff, and school community as a whole.”* (paragraph 112 DfE Guidance)

Furthermore, when reaching a decision on whether or not to reinstate a pupil, the pupil discipline committee *“should consider whether the decision to suspend or permanently exclude the pupil was lawful, reasonable, and procedurally fair”* and *“should take into account...the headteacher’s legal duties.”* (paragraph 122 DfE Guidance)

|   |   |
|---|---|
| <b>The Facts</b>  | ✓ |
| Has the school properly and fully presented a case for the exclusion? This involves a two-part test: establishing a serious breach <b>OR</b> persistent breaches of the behaviour policy <b>AND</b> showing that the pupil remaining in school would seriously harm either the pupil or others. |   |
| Part 1 of two-part test: If the facts are disputed, on the balance of probabilities (i.e. more likely than not), did they occur as alleged by the school?   |   |
| Was the decision based on a breach(s) of the behaviour policy? Are governors satisfied that the child knew, or ought reasonably to have known, that his/her behaviour breached the behaviour policy?  |   |
| Part 2 of two-part test: Are governors satisfied that the pupil's return would 'seriously harm' either the pupil or others? Has the school sufficiently articulated the risk presented to either the pupil themselves or others?  |   |
| <b>The Process</b>  |   |
| Have the pupil and his/her family been properly notified of the exclusion and the hearing and had an adequate opportunity to represent themselves?  |   |
| Did the school provide the pupil with an opportunity to make their case and provide a statement before the decision to exclude? If no statement was obtained, has the school satisfactorily explained why not?  |   |
| Has the school provided statements from witnesses, rather than relying on hear-say? Were the statements credible (i.e. taken in the proper way, signed, dated)?   |   |
| Have governors been given sufficient information and opportunity to make the right decision? Both written submissions and oral testimony made at the hearing constitute evidence and may be taken into consideration.   |   |
| Has the school provided work for the first five days of the exclusion <u>and</u> had it marked?   |   |
| Has the local authority been advised of the permanent exclusion and put in place educational provision from Day 6 of the exclusion? Is the child attending?   |   |
| <b>Discrimination and Intervention</b>  |   |
| Are governors satisfied that the exclusion was not based on any element of discrimination? If a pupil is from an at-risk ethnic or social background (e.g. Black Caribbean, Gypsy/Roma, Traveller, LAC), was this given additional scrutiny to ensure compliance with the Equality Act 2010?    |   |
| Has the school properly considered whether the child has Special Educational Needs? Have they considered that disruptive or impulsive behaviour might constitute a social, emotional or mental health (SEMH) need under the SEN Code of Practice?   |   |
| If the pupil has an EHCP, did the school ask the LA to convene an emergency annual review?  |   |
| If the pupil is a Looked-After Child, has the school involved the Virtual School Head/social worker and accessed all the resources available from the council?  |   |
| Where there is a history of poor behaviour, has the school attempted to identify contributory factors and underlying causes and address them through interventions and support? Have governors received sufficient evidence of this?  |   |

|  |  |
|--|--|
| <b>The Headteacher's decision - Natural principles of justice</b>  |  |
| Is the decision lawful? <i>An example of an unlawful decision might be where the Headteacher has applied the wrong legal standard or has exceeded his/her powers.</i>  |  |
| Was the decision fair? <i>An example of unfair decision might be when one pupil is permanently excluded for the same offence as a pupil who was not, where there are no other differences between the pupils to explain this.</i>  |  |
| Is the sanction proportionate? <i>Proportionality means that it is the minimum sanction available effectively to achieve the ends required by the school.</i>  |  |
| Linked to the above, is the decision a last resort? Did the Headteacher consider alternatives (e.g. direction offsite or a managed move) and if rejected, has this been explained? Has the school explained why no other sanction would suffice? Did the school do all it could to mitigate against exclusion or has it satisfactorily argued that the behaviour could not have been foreseen? |  |
| Is the decision rational and reasonable? <i>An irrational decision is one that no ordinary and objective person would reasonably make.</i>   |  |
| <b>Considering reinstatement</b>   |  |
| Would reinstatement seriously harm the education or wellbeing of the child or others in the school community? <i>'Would' requires a higher level of certainty than 'might', 'could', 'is likely to'. 'Serious harm' requires a higher level of impact than 'detriment' - it must present a situation in school that can no longer be tolerated.</i>  |  |
| Having considered the child's or parents' evidence, are governors satisfied that any mitigating factors do not excuse/explain the behaviour? This includes unmet SEND needs, bereavement, divorce, family discord, bullying at school, etc.? Did the Headteacher take these mitigating factors into account?   |  |
| How large a negative impact will the exclusion have on the pupil's education and wellbeing (e.g. Year 8 vs. Year 11)? Are governors satisfied that this negative impact is justified in the circumstances?   |  |

**If any of these questions cannot be answered with a 'yes', reviewers must give serious consideration to reinstatement. If reviewers choose not to reinstate, they must clearly explain their decision despite the academy's failure to meet these thresholds.**

**This deliberation checklist should be completed by the Chair of the Pupil Discipline Committee and attached to the minutes of the Committee meeting.**