



# Accrington Academy

## Exclusions Policy

Date of last central review:	September 2024	Review period:	1 year (minimum)
Date or next central office review:		Owner: VP Student	
Date of next school level review:	September 2026	Culture (Behaviour) JPF	
Type of policy:	Non-Statutory	Local Governing Board	Approves school policy adheres to UL Policy

Linked Accrington Academy / United Learning policies:

- *Behaviour policy*
- *Anti-bullying policy*
- *ULT Safeguarding policy*
- *Attendance Policy*

This policy has been written in-line with guidance and legislation found within: -

- ***Suspension and Permanent Exclusion from maintained schools, academies and student referral units in England, including student movement: Guidance for maintained schools, academies, and student referral units in England (August 2024)***
- ***Behaviour in Schools Advice for Principals and school staff (Feb 2024)***
- ***Education Act (1996, 2002 and 2011)***
- ***Equality Act (2010)***
- ***The School Discipline (Student Exclusions and Reviews) (England) Regulations (2012)***
- ***School Standards and Framework Act (1998)***
- ***Education and Inspections Act (2006)***
- ***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)***

## Contents

Section	Item	Page
1	<b>Introduction</b>	3
2	<b>Types of Exclusion</b>	3
	i) Suspension	3
	ii) Permanent exclusion	4
3	<b>Stages of exclusions</b>	
	i) Stages of permanent exclusion	5
	ii) Suspension pending further investigation and leading to a possible further sanction	5
	iii) Next steps following a suspension pending further investigation:-	5
4	<b>Principal's decision</b>	6
5	<b>Police Involvement and parallel criminal proceedings</b>	6
6	<b>Responsibilities of the Principal</b>	6
7	<b>Notification of a suspension or permanent exclusion</b>	6
8	<b>Principal's right to cancel a suspension or permanent exclusion that has not been reviewed by the Governing board</b>	6
9	<b>Role of the LGB (Local Governing Board)</b>	7
10	<b>Governing Board's decision</b>	7
11	<b>Role of the Clerk to the Behaviour Panel</b>	8
12	<b>The role of United Learning</b>	8
13	<b>Education of excluded students</b>	8
14	<b>Independent Review Panels</b>	8
15	<b>Notifying parents</b>	8
16	<b>Composition of Independent Review Panels</b>	8
17	<b>Request for an SEN expert</b>	9
18	<b>Role of the Clerk to the Independent Review Panel</b>	9
19	<b>Conduct and role of the Independent Review Panel</b>	9
20	<b>Reaching a decision</b>	9
21	<b>The decision</b>	9
22	<b>Financial penalties</b>	10
23	<b>Reconvening a Behaviour Panel</b>	10
24	<b>After the Independent Review Panel</b>	10
25	<b>Remedies after the Independent Review Panel</b>	10
26	<b>Judicial review</b>	10
27	<b>Claims of Discrimination in relation to permanent exclusion</b>	10
	<b>Appendices</b>	
	<i>Appendix 1 – Legislation and Statutory Guidance</i>	11
	<i>Appendix 2 – Examples of misconduct that may lead to permanent exclusion</i>	11
	<i>Appendix 3 – Model Letter one</i>	12
	<i>Appendix 4 - Model Letter two</i>	13
	<i>Appendix 5 - Model Letter three</i>	14
	<i>Appendix 6 - Model Letter four</i>	15
	<i>Appendix 7 - Model Letter five</i>	16
	<i>Appendix 8 - Model Letter six</i>	17
	<i>Appendix 9 – Local Governing Board checklist</i>	19

## 1. Introduction

Accrington Academy believes that suspension and permanent exclusion are recognised as appropriate sanctions, however suspension (for a fixed period) and permanent exclusion should only be used as a last resort when a range of other strategies have been tried and exhausted. Most suspensions or permanent exclusions are the result of persistent breaches of the school's discipline policy, however they can also be applied for serious one-off incidents.

During suspensions or permanent exclusions the Principal, Vice or Assistant Principal or nominated member of staff, *e.g. Head of Year* should remain in contact with the student to monitor and ensure their safety and welfare.

A permanent exclusion for a serious breach (*e.g., a one-off or first offence*) should only happen in the most serious of circumstances. Suspensions or permanent exclusions should only ever be issued by the Principal or Vice Principal in their absence. All permanent exclusions should be confirmed with the relevant Regional Director before issuing.

Principal, Local Governing Bodies, United Learning, independent review Panel members and clerks, and SEN experts must by law have regard to this guidance when deciding:

- whether to suspend or permanently exclude a student;
- whether to uphold a suspension or permanent exclusion;
- whether to direct reinstatement;
- whether to recommend or direct that the governing board considers the suspension or permanent exclusion again.

All United Learning schools have policies, procedures and staff training in place that will promote good behaviour. Behaviour policies will be widely publicised so that students, parents and all school staff are aware of the standards of behaviour expected and the range of sanctions.

This policy provides an overview of all suspension and permanent exclusion processes. The Academy will adhere to current legislation, including the Equality Act 2010. The Academy is obliged to have regard to the DfE guidance on suspensions and permanent exclusions. We ensure that our policies and practices do not discriminate against students by unfairly increasing their risk of suspension or permanent exclusion. Provisions within the Equality Act allow schools to take positive action to deal with particular disadvantages, needs, or low participation affecting one group, where this can be shown to be a proportionate way of dealing with such issues.

The Principal and Governing Board comply with statutory duties in relation to SEN when administering the suspension and permanent exclusion process. This includes having regard to the SEND Code of Practice when making a decision.

The suspension and permanent exclusion policy relates to behaviour not only within the Academy but also out. Subject to the requirements of this policy, the Principal (or designated teacher in charge) may suspend or permanently exclude students even if the circumstances giving rise to decision to suspend or permanently exclude occur when the student is out of school, including the behaviour of students participating on trips, outings, sporting fixtures, or travel/movement in the vicinity of the Academy.

## 2. Types of Exclusion

There are two types of official exclusion:

### *i) Suspension*

The Principal may suspend a student for up to 45 school days in a school year. This could be one long suspension or a number of smaller suspensions. Normally, there will be a meeting in the Academy to discuss the suspension, alternatively, with the agreement of the parent/carer a telephone conversation may take place instead. The parent/carer will receive a letter that explains the reason for the decision, the duration of suspension and their rights under DfE Suspension and Exclusion Guidance (Aug 2024).

For the first 5 days of any suspension it is the responsibility of the parent/carer to provide care and supervision for the student. The student is not permitted on the Academy site during this period. From the 6th day of a continuous

suspension, the Academy must make provision for the student to continue their education. The Academy will discuss arrangements for provision with the parent/carer at the time of suspension.

Students, and parents/carers, will be invited to attend a reintegration meeting with the Assistant or Vice Principal on the first day the student returns to the Academy; details of the date and time of this will be included in the suspension letter. A student may be suspended during lunchtimes for a fixed number of days. Each lunchtime suspension is the equivalent to half a day's fixed term suspension. Arrangements will be made to provide a lunch if the student is entitled to free school meals.

Please note we will always look to make '*reasonable adjustments*' and take into account a student's SEN need or disability when making the decision to suspend (See Behaviour Policy).

Repeated use of suspension for students with an EHCP and potentially those on SEN Support (especially those undergoing statutory assessment and likely to get an EHCP) could indicate the support in place is not enough. We will ensure the SENDCO is involved as part of the consultation process if this is the case. This may involve advice from colleagues and any relevant specialists *e.g., speech and language therapist*.

**The list below outlines behaviours that could lead to suspension:-**

- repeated bullying of any kind, including child on child abuse;
- persistent, disruptive behaviour;
- serious defiance;
- sexual abuse or harassment;
- any threat of violence, aggressive behaviour or intimidation towards a student or member of staff;
- physical violence towards another student or member of staff;
- abusive or derogatory comments to another student or member of staff;
- malicious allegations against a member of staff or student;
- possession, use, supply or sale of prohibited items in the Academy (*see section 16*)
- being deemed to be under the influence of alcohol or an illegal/banned substance (including new psychoactive substances and/or 'legal highs');
- racial abuse;
- abuse against sexual orientation or gender reassignment;
- abuse relating to disability;
- discriminatory comments, behaviour and/or abuse in any form;
- serious and deliberate damage to Academy property;
- theft or possession of stolen items;
- failure to adhere to ARC / AIC code of conduct or refusal to enter ARC or AIC room\*
- serious e-safety breaches or misuse of ICT, a mobile device or social media (e.g.: cyberbullying, inappropriate, offensive or derogatory comments/posts/created media linked to the Academy or directed towards members of our Academy community (students or staff));
- deliberate tampering with fire-safety equipment (e.g. deliberate activation of the fire alarm);
- creation or sharing of pornographic or indecent images;
- a serious incident that requires further investigation;
- any other incident or behaviour that:-
  - interferes with the safe and orderly running of the Academy.
  - puts members of our school community at risk of harm, undermines it's core values or brings the Academy into disrepute.

*\*This list is not exhaustive and is illustrative of actions that may lead to a suspension.*

*ii) Permanent exclusion*

This is where the Principal's intention is that the student should not be allowed to return to the Academy. In most cases, this will be after a wide range of alternative strategies have been tried without success. However, there will be exceptional circumstances where, in the Principal's judgement, it might be appropriate to permanently exclude a student for a single serious breach (one-off or first offence).

A permanent exclusion will only be used as a last resort in response to a high-level serious behavioural incident, persistent and deliberate high-level breaches of the Academy's behaviour policy or if a student's accumulative period of suspension days surpasses 45-days.

The following list outlines the extremely serious list of behaviours that could lead to a permanent exclusion:-

- Carrying, supplying or using alcohol, banned or illegal drugs or substances (including new psychoactive substances and/or 'legal highs');
- Carrying or using an offensive weapon or other prohibited item (*see section 16 for full list*);
- Serious, actual, threatened or inciting of violence against another student or individual on or off site;
- Any actual or threat of violence or serious intimidation towards any member of staff or adult on or off site;
- Malicious allegations against a member of staff or student;
- Sexual abuse or assault;
- Persistent serious bullying, peer-on-peer abuse, or discriminatory behaviour (including racial abuse, abuse against sexual orientation or gender reassignment or abuse relating to disability);
- deliberate tampering with fire-safety equipment (e.g. deliberate activation of the fire alarm);
- Where, as a result of the behaviour of a student the health and safety of others is put in serious risk;
- Serious, deliberate and repeated breaches of the behaviour policy;
- Any other incident or behaviour as defined by the Academy that puts members of the Academy community at risk of harm, interferes with the orderly running of the Academy site, seriously undermines the core values of the Academy or seriously damages the reputation of the Academy.

*\*This list is not exhaustive and is illustrative of actions that may lead to a permanent exclusion.*

The decision to permanently exclude should only be taken if:

- (a) allowing the student to remain in the Academy seriously harms the learning or welfare of another student or students in the school;
- (b) allowing the student to remain in the Academy seriously harms the welfare of an adult or adults in the school;
- (c) the students' behaviour seriously undermines the ethos of the Academy;
- (d) the student's behaviour is judged to be gross misconduct.

The Academy also may impose sanctions on any student outside of the Academy where:-

- A student is taking part in any Academy-organised or Academy-related activity;
- A student is on-roll at another educational establishment whilst dual-registered to our Academy;
- A student is travelling to or from the Academy;
- A student is wearing Academy uniform or in any way, is identifiable as a student of the Academy.

United Learning recognises that a permanent exclusion is a serious matter and has the potential to affect a student's life chances in a significant way. Decisions in respect of a permanent exclusion are only taken after the necessary procedures have been followed in accordance with DfE guidance and careful consideration of the facts in circumstances which are fair.

Formal suspension or permanent exclusion is the only legal method of removal if a student is sent home for disciplinary reasons (including lunch times). The Academy is aware that 'off rolling' or informal or unofficial exclusions are unlawful regardless of whether they are done with the agreement of parents or carers.

Ofsted defines these terms as

*"...the practice of removing a student from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their student from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the student."*

As an Academy and Learning Trust, we are committed to following all statutory suspensions and permanent exclusion procedures to ensure that every student receives an education in a safe and caring environment.

### 3. Stages of exclusions

#### *i) Stages of permanent exclusion*

The permanent exclusion process falls into three stages:

1. Decision by the Principal to permanently exclude;
2. Consideration of the Principal's decision by the Local Governing Board (LGB), usually delegated to a Behaviour Disciplinary Panel;
3. In the case of a permanent exclusion, and only if requested by parents/carers, consideration of the Principal's decision by an Independent Review Panel.

The initial decision on whether to permanently exclude is for the Principal to take. As part of considering each permanent exclusion, the Principal must consult with their Regional Director at United Learning (or delegated executive) before the decision is reached and the case presented to the Behaviour Panel.

#### *ii) Suspension pending further investigation and leading to a possible further sanction*

If enough evidence is available to warrant a permanent exclusion immediately, that sanction should be applied. However great care should be taken in issuing a permanent exclusion immediately and United Learning's procedure must also be followed as specified above.

In some cases, investigation may not be immediately possible if, for example, the incident is complex, and several witness statements are required. In such a case, the Principal may issue a suspension for a short period (a maximum of 5 school days is advised):

- to allow investigation to take place;
- to give opportunity for a reasoned decision.

In those exceptional cases, usually where significant further evidence emerges from further investigation, a further sanction may be appropriate, which must be issued to begin immediately after the first suspension ends (*i.e., the student must not return to school between the sanctions*). This further sanction may be either a further suspension or a permanent exclusion. Conversely, the Principal may choose to withdraw the suspension in the light of new evidence.

The letter informing of the initial suspension should clearly state that the reason for the suspension relates to the behaviour of the student, but also state if further investigation is needed that "**further investigation is still underway into the incident which may or may not result in a further sanction of further suspension or permanent exclusion**".

#### *iii) Next steps following a suspension pending further investigation:-*

Once the investigation is complete, a further letter should be sent containing one of the following:

- notification for the student to return to school;
- notification of a further suspension to begin immediately after the first period ends; or
- notification of a permanent exclusion to be begin immediately after the end of the suspension.

Each case will be judged on the facts and the context considering:

- The degree of severity of the offence;
- The likelihood of re-occurrence;
- The student's previous behavioural record;
- Contributory factors (e.g., recent bereavement, mental health issues, bullying, special educational needs and disabilities, harassment);
- Support provided;
- Take into account the school Behaviour Policy, Special Educational Needs Policy and equality law obligations

### 4. Principal's decision

The decision to suspend or permanently exclude will be made after a review of the evidence available and will be on *the balance of probabilities* - i.e., is it more probable than not that the accused acted as alleged – and in response to a serious or persistent breaches of the school's Behaviour Policy and where allowing the student to remain in school would seriously harm the education or welfare of the student or others students or staff in the school.

## **5. Police involvement and parallel criminal proceedings**

The process of suspension and permanent exclusion from school and criminal proceedings can, and should, run parallel. However, in certain circumstances it may be appropriate for a decision to permanently exclude to be postponed if a police investigation has not been concluded. In such circumstances, an extended suspension should be used.

## **6. Responsibilities of the Principal**

Principals should follow the procedures set out in the DfE Exclusion Guidance, which has been designed to ensure fairness and openness in the handling of suspensions and permanent exclusions. Following the guidance will reduce the chance of any successful legal challenge to the suspension or permanent exclusion at a later stage.

The DfE guidance is clear that only the Principal, or the acting Principal, can exclude a student. When the Principal is not available then the 'Acting' Principal in the Academy will be the Vice Principal.

## **7. Notification of a suspension or exclusion**

Whenever the Principal decides to suspend or permanently exclude a student we will, without delay, notify parents of the period of the suspension or permanent exclusion and the reason(s) for it. If a student has a social worker, or if a student is looked-after, we will also notify the social worker and/or Virtual School Head (VSH), as applicable. We will also, after the decision, provide parents/carers 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'/carers' right to make representations about the suspension or permanent exclusion to the governing board and how the student may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents or a student 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. Where the suspension or permanent exclusion involves a vulnerable student or Looked After Student the social worker and/or VSH, must be informed when a governing board 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.

Written notification of the information above will be provided directly to the student or parent/carer in school prior to them leaving the building, delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notification may also be provided electronically by email if the parent/carer have given written or verbal agreement for the notice to be sent in this way.

## **8. Principal's right to cancel a suspension or permanent exclusion that has not been reviewed by the Governing board**

In rare cases, the Principal can cancel (sometimes referred to as withdrawing or rescinding) any suspension or permanent exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the student should be reinstated.

Where a suspension or permanent exclusion is cancelled:

- The Principal must notify the parents, the governing board, the LA and the student's social worker and VSH as applicable, without delay. The notification must also provide the reason for the cancellation;
- The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement;
- Parents (or the suspended or permanently excluded student if they are 18 years or older) should be offered the opportunity to meet the Principal to discuss the circumstances that led to the suspension or permanent exclusion being cancelled which should be arranged without delay;
- The student must be allowed back into the school from which they were suspended or permanently excluded without delay.

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

### **9. Role of the LGB (Local Governing Board)**

The United Learning Trust Charity Board has delegated powers to the LGB to review suspensions and permanent exclusions and must consider any representations about a suspension or permanent exclusion made by the parents/carers of the student. The LGB must also ensure that they review data to consider the characteristics of students who have been permanently excluded to ensure the sanction is only used when necessary, as a last resort.

The LGB usually delegates some or all its functions in respect of suspensions and permanent exclusions to a Behaviour Panel consisting of at least three governors, who are independent and have had no direct involvement with the case; such a Panel may be called the Behaviour Panel.

The LGB's role is to review suspensions and permanent exclusions. The LGB can either uphold a suspension or permanent exclusion, or direct reinstatement immediately or by a particular date. The LGB cannot extend a suspension nor substituted it with a permanent exclusion. The Behaviour Panel must also follow annex A of the exclusion guidance from DfE. (<https://www.gov.uk/government/publications/school-exclusion>) Where the suspension or permanent exclusion involves a vulnerable student or Looked After Student the social worker and/or VSH, must be informed when a governing board 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.

### **10. Governing Board's decision**

A checklist for Governor Behaviour Panels is available in the appendices. This should be used when making the final decision for every permanent exclusion.

The Behaviour Panel must inform the parent/carer, Principal and the Local Authority of their decision, in writing without delay, preferably within one school day of the meeting, stating their reasons. Where the student resides in a different Local Authority, they must also inform the student's 'home' Local Authority.

A note of the Behaviour Panel's views on the suspension or permanent exclusion should be placed on the student's Academy record with copies of relevant papers.

If the Behaviour Panel directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the student only that the Panel can direct reinstatement on a particular date.

Where the Behaviour Panel upholds a permanent exclusion, there are specific requirements for what information should be included in the letter to parents. Model letters are contained in the appendices.

### **11. Role of the Clerk to the Behaviour Panel**

The Behaviour Panel may appoint a Clerk. The role of the Clerk is to handle the administrative arrangements for considering suspensions and permanent exclusions and should not contribute to the meeting other than in an administrative capacity. Where possible the Clerk should be experienced in suspension and permanent exclusion matters so that the meeting can progress smoothly.

The Clerk must not be a member of the Governing Board or the Principal. Furthermore, the Clerk should not have taught the student or been involved in any of the incidents involved in the case.

### **12. The role of United Learning**

The Local Authority does not have a decision-making role in the suspension or permanent exclusion process for any school or Academy. The Charity Board has delegated this responsibility to each LGB. As part of considering each permanent exclusion, however, the Principal must consult fully with their United Learning Education Director (or delegated executive) before a decision is reached and the case presented to the Behaviour Panel. It is the Behaviour Panel which has the duty to review the Principal's decision to exclude.

### **13. Education of suspended students**

The Academy will provide guidance to students on how to continue their education whilst suspended while the student is on roll. In all cases of suspension, work will be set from day one and marked. During a suspension, the Academy's legal duties to students with disabilities and SEN will remain in force, for example, to make reasonable adjustments in how they support disabled students during this period. Where a student is given a suspension of six school days or longer, the school will arrange full time educational provision from and including the sixth day of suspension. The Local Authority is required to arrange full time educational provision for permanently excluded students from the *6th day* of a permanent exclusion. Once the Principal has decided to permanently exclude a student, the Local Authority will arrange to assess the student's needs and how to meet them (even though the permanent exclusion might still be overturned by the Academy's governors). The student's name will be deleted from the Academy's roll only if:

- the student was permanently excluded; and
- 15 school days have passed since the parents were notified of the Behaviour Panel's decision to uphold the permanent exclusion; or
- the parents have stated in writing they will not be applying for an independent review Panel
- It will be the responsibility of the Local Authority to offer an alternative school place.

### **14. Independent Review Panels**

Each LGB must take responsibility for setting up and training Independent Review Panels or decide to use the service provided by the Local Authority. Note that the Independent Review Panel is only involved in reviewing permanent exclusions and only if requested by the parent/carer of the permanently excluded student, and/or the student if over 18.

### **15. Notifying parents**

When a permanent exclusion is upheld by the Behaviour Panel, the Panel's decision letter to the parent must state the reasons for the decision, give the last day for lodging a review (within 15 school days) and explain that the grounds for the review should be set out in writing. If a parent/carer does not request a review within the timescales the LGB must reject the application. An Independent Review Panel (IRP) must meet to consider a permanent exclusion no later than the 15th school day after the day on which the review was requested. However, if necessary, the Panel may then decide to adjourn the hearing.

### **16. Composition of Independent Review Panels**

Review Panels must consist of 3 or 5 members. A five-member Panel must be constituted with two members from each of the categories of school governors and Principals :-

- 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.
- School governors who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or Principals during this time.
- Principals or individuals who have been a Principal within the last five years.

A person may not serve as a member of a review Panel if:

- they are a member / director of the local authority / Academy Trust or governing board of the excluding School/Academy;
- they are the Principal of the excluding School/Academy or anyone who has held this position in the last five years;
- they are an employee of the local authority / Academy Trust, or the governing board, of the excluding School/Academy (unless they are employed as a Principal at another school);
- they have, or at any time have had, any connection with the local authority / Academy Trust; School/Academy; parents/carers or students; or the incident leading to the exclusion, which might reasonably

be taken to raise doubts about their impartiality (though an individual must not be taken to have such a connection simply because they are a Principal at another School/Academy);

- they have not had the required training within the last two years (see paragraph 186 of *Suspension and Permanent Exclusion from maintained schools, academies and student referral units in England, including student movement - Guidance for maintained schools, academies, and student referral units in England - Sept 2023*)

### **17. Request for an SEN Expert**

If requested by the parents/carers, the person convening the Panel must appoint a SEN Expert to attend the independent review Panel. This request must happen when the request for an Independent review Panel is made. Parents have a right to an SEN Expert, regardless of whether their student has recognised or identified SEN. (see paragraph 30 of *Suspension and Permanent Exclusion from maintained schools, academies and student referral units in England, including student movement - Guidance for maintained schools, academies, and student referral units in England - Sept 2023*)

### **18. Role of the Clerk to the Independent Review Panel**

It is strongly advised that the Independent Review Panel has a Clerk. The Clerk, if appointed, provides an independent source of advice on procedures for all parties.

### **19. Conduct and role of the Independent Review Panel**

The role of the Panel is to review the Behaviour Panel's decision not to reinstate a permanently excluded student. The Panel must take account of the circumstances of the excluded student and all others in the school. The Panel must apply the civil standard of proof (the balance of probabilities).

### **20. Reaching a decision**

Information on what the Panel should consider when coming to their decision can be found in section 10 of the DfE Guidance on suspensions and Permanent Exclusion.

### **21. The decision**

An Independent Review Panel can decide to:

- uphold the permanent exclusion decision;
- recommend that the governing board reconsiders their decision; or
- quash the decision and direct that the governing board considers the permanent exclusion again.

The Panel's decision can be decided by a majority vote. The Panel can request that a copy of the decision letter is placed on the student's record and the school must comply with this request.

The Panel may only quash a decision and direct reconsideration where it considers that the permanent exclusion was flawed when considered in the light of the principles applicable on an application for judicial review, illegality, irrationality and procedural impropriety.

### **22. Financial penalties**

Where a Panel directs a governing board to reconsider an exclusion it has the power to order that a readjustment of the Academy budget be made if the governing board does not offer to reinstate the student within 10 school days of receiving notification. The sum of this adjustment must be £4000, payable within 28 days, and will be in addition to other monies that follow permanently excluded students.

### **23. Reconvening a Behaviour Panel**

If the Independent Review Panel directs or recommends that the governing board reconsider the permanent exclusion, the governing board must meet to reconsider within 10 school days of notification.

Where a governing board has reconsidered a permanent exclusion decision it must inform the relevant person, the Principal and the Local Authority of its reconsidered decision and the reasons for it without delay.

#### **24. After the Independent Review Panel**

The Independent Review Panel is independent. Its decision is binding on the parent/carer, the LGB and the Principal. The Panel cannot revisit its decision once made.

The Panel must let all parties know its decision without delay. The decision letter should give the Panel's reasons for its decision in sufficient detail for the parties to understand why the decision was made.

If the Independent Review Panel upholds the permanent exclusion, the Clerk should immediately report this to the Local Authority. If the student is of compulsory school age, it is for the Local Authority in whose area the student lives to make arrangements as quickly as possible for the student to continue in suitable full-time education. If the student lives outside the area of the Local Authority, the Clerk should make sure that the home Local Authority is also informed immediately of the position.

Where the permanent exclusion is upheld the Clerk should also advise the parent/carer to contact the appropriate person at the home Local Authority about arrangements for their student's continuing education. The Principal should remove the student's name from the school roll the day after the conclusion of the Independent Review Panel.

#### **25. Remedies after the Independent Review Panel**

A parent/carer can complain to the *Secretary of State* via the *Education Funding Agency at the Department for Education*.

#### **26. Judicial review**

Decisions of both governing bodies and independent review Panels can be subject to judicial review.

#### **27. Claims of Discrimination in relation to permanent exclusion**

Parents can also apply to the First-tier Tribunal to hear cases of alleged disability discrimination, in addition to their current right to apply to a County Court to hear other cases of discrimination under the Equality Act 2010. The First-tier Tribunal will be able to direct reinstatement.

### **Appendix 1      Legislation and Statutory Guidance**

This policy is based on statutory guidance from the Department for Education: *Suspension and Permanent Exclusion from maintained schools, academies and student referral units in England, including student movement - Guidance for maintained schools, academies, and student referral units in England (August 2024)*

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

- Section 51A of the Education Act 2002, as reviewed by the Education Act 2011 (Part 2 Discipline: Section 4)
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded students
- Section 551 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007, as

## **Appendix 2          Examples of Misconduct that may lead to Permanent Exclusion**

Permanent exclusions are extremely serious and should only be used in exceptional circumstances. Permanent exclusions should only be in response to persistent misconduct of a serious nature, where other sanctions have been attempted and not resulted in improved behaviour and conduct. There are a few single incidents that may lead to a permanent exclusion, these are:

- Carrying, supplying or using alcohol, banned or illegal drugs or substances (including new psychoactive substances and/or 'legal highs');
- Carrying or using an offensive weapon or other prohibited item (*see section 15 for full list*);
- Serious, actual, threatened or inciting of violence against another student or individual on or off site;
- Any actual or threat of violence or serious intimidation towards any member of staff or adult on or off site;
- Malicious allegations against a member of staff or student;
- Sexual abuse or assault;
- Persistent serious bullying, peer-on-peer abuse, or discriminatory behaviour (including racial abuse, abuse against sexual orientation or gender reassignment or abuse relating to disability);
- Where, as a result of the behaviour of a student the health and safety of others is put in serious risk;
- Serious, deliberate and repeated breaches of the behaviour policy;
- Any other incident or behaviour as defined by the Academy that puts members of the Academy community at risk of harm, interferes with the orderly running of the Academy site, seriously undermines the core values of the Academy or seriously damages the reputation of the Academy.

### Appendix 3 Model Letter One

*From the Principal notifying parent/carer of a suspension of 5 school days or fewer in one term, and where a public examination is not missed.*

Date:

Name Address

Student Name: (Full name of student) D.O.B: (Date of birth) Year Group:

Dear [parent's name]

I am writing to inform you of my decision to suspend «Forename» for a fixed period of XX day(s). This means that they will not be allowed in this school for this period. **The suspension begins on XXXX and ends on XXXX.**

I realise that this suspension may well be upsetting for you and your family, however the decision to suspend «Forename» has not been taken lightly. «Forename» has been suspended for this fixed period because of XXXXXXXX.

**«Forename» is due to return to the Academy at XXXX on XXXXXXXX.**

During the suspension you have a duty to ensure that your child is not present in a public place during school hours, unless there is reasonable justification for this.

It is very important that «Forename» continues their learning from home. There is further guidance attached to this letter for how «Forename» can continue their learning via our online portals. There is also a QR code link to our schemes of learning for all year groups. Should «Forename» struggle to access these online resources from home, please contact the Academy and we can provide a paperwork pack. Please ensure that any work completed is returned to us during the meeting for marking.

You have the right to make written representations about this decision to the governing body. If you wish to make representations, please contact Mrs. T Eccles on 01254 304300 extension 333 or at [Tracy.eccles@accrington-academy.org](mailto:Tracy.eccles@accrington-academy.org) as soon as possible.

Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your student's school record.

Suspended students should be enabled and encouraged to participate at all stages of the suspension process, taking in to account their age and understanding.

You should also be aware that if you think the suspension relates to a disability your student has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal [www.justice.gov.uk/tribunals/send/appeals](http://www.justice.gov.uk/tribunals/send/appeals)

**You and «Forename» are requested to attend a reintegration interview with XXXXX on XXXXXXXX at XXXXX.** The purpose of the reintegration interview is to discuss how best «Forename»'s return to school can be managed. If you cannot attend this meeting, then please telephone to re-arrange.

You also have the right to see a copy of «Forename»'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of «Forename»'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

Further guidance on the suspensions process can be found at <https://www.gov.uk/government/publications/school-suspension>.

The Coram Students's Legal Centre: [www.studentslegalcentre.com](http://www.studentslegalcentre.com) 08088 020 008; and (where considered relevant by the head teacher), links to local services, such as Traveller Education Services or the local parent partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk)).

**«Forename»'s suspension expires on XXXXXXXX, and we expect «Forename» to be back in school on XXXXXXXX at XXXXX.**

#### Appendix 4 Model Letter Two

*From the Principal notifying parent/carer of a suspension of 5 school days or fewer in one term, where further investigation is still underway into the incident, which may or may not result in a further sanction of further suspension or permanent exclusion, but where a public examination is not missed.*

Date:

Name Address

Student Name: (Full name of student) D.O.B: (Date of birth) Year Group:

Dear [parent's name]

I am writing to inform you of my decision to suspend «Forename» for a fixed period of XX day(s). This means that they will not be allowed in this school for this period. **The suspension begins on XXXX and ends on XXXX**, pending further investigation.

I realise that this suspension may well be upsetting for you and your family, however the decision to suspend «Forename» has not been taken lightly. «Forename» has been suspended for this fixed period because of XXXXXXXX. **«Forename» is due to return to the Academy at XXXX on XXXXXXXX.**

During the suspension you have a duty to ensure that your child is not present in a public place during school hours, unless there is reasonable justification for this.

It is very important that «Forename» continues their learning from home. There is further guidance attached to this letter for how «Forename» can continue their learning via our online portals. There is also a QR code link to our schemes of learning for all year groups. Should «Forename» struggle to access these online resources from home, please contact the Academy and we can provide a paperwork pack. Please ensure that any work completed is returned to us during the meeting for marking.

You have the right to make written representations about this decision to the governing body. If you wish to make representations, please contact Mrs. T Eccles on 01254 304300 extension 333 or at [Tracy.eccles@accrington-academy.org](mailto:Tracy.eccles@accrington-academy.org) as soon as possible.

Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your student's school record.

Suspended students should be enabled and encouraged to participate at all stages of the suspension process, taking in to account their age and understanding.

You should also be aware that if you think the suspension relates to a disability your student has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal [www.justice.gov.uk/tribunals/send/appeals](http://www.justice.gov.uk/tribunals/send/appeals)

**You and «Forename» are requested to attend a reintegration interview with XXXXX on XXXXXXXX at XXXXX.** The purpose of the reintegration interview is to discuss the outcome of the investigation and how best «Forename»'s return to school can be managed. If you cannot attend this meeting, then please telephone to re-arrange.

You also have the right to see a copy of «Forename»'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of «Forename»'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

Further guidance on the suspensions process can be found at <https://www.gov.uk/government/publications/school-suspension>.

The Coram Students's Legal Centre: [www.studentslegalcentre.com](http://www.studentslegalcentre.com) 08088 020 008; and (where considered relevant by the head teacher), links to local services, such as Traveller Education Services or the local parent partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk)).

**«Forename»'s suspension expires on XXXXXXXX, pending further investigation. We expect «Forename» to be back in school on XXXXXXXX at XXXXX.**

## Appendix 5 Model Letter Three

*From the Principal notifying parent/carer of a fixed term exclusion of more than 5 and up to and including 15 school days in total in one term, or where a public examination would be missed.*

Date:

Name Address

Student Name: (Full name of student) D.O.B: (Date of birth) Year Group:

Dear [parent's name]

I am writing to inform you of my decision to suspend «Forename» for a fixed period of XX day(s). This means that they will not be allowed in this school for this period. **The suspension begins on XXXX and ends on XXXX.**

I realise that this suspension may well be upsetting for you and your family, however the decision to suspend «Forename» has not been taken lightly. «Forename» has been suspended for this fixed period because of XXXXXXXX. **«Forename» is due to return to the Academy at XXXX on XXXXXXXX.**

During the suspension you have a duty to ensure that your child is not present in a public place during school hours, unless there is reasonable justification for this.

It is very important that «Forename» continues their learning from home. There is further guidance attached to this letter for how «Forename» can continue their learning via our online portals. There is also a QR code link to our schemes of learning for all year groups. Should «Forename» struggle to access these online resources from home, please contact the Academy and we can provide a paperwork pack. Please ensure that any work completed is returned to us during the meeting for marking.

From the 6th day of this exclusion XXXXXX until the expiry of the exclusion, we will provide suitable full-time education. **On [date] «Forename» should attend at [name and address of alternative provider if not home school] at [time] and report to [staff member's name].**

You have the right to make written representations about this decision to the governing body. If you wish to make representations, please contact Mrs. T Eccles on 01254 304300 extension 333 or at [Tracy.eccles@accrington-academy.org](mailto:Tracy.eccles@accrington-academy.org) as soon as possible. Whilst the governing board has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your student's school record.

Excluded students should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

You should also be aware that if you think the exclusion relates to a disability your student has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal [www.justice.gov.uk/tribunals/send/appeals](http://www.justice.gov.uk/tribunals/send/appeals)

**You and «Forename» are requested to attend a reintegration interview with XXXXX on XXXXXXXX at XXXXX.** The purpose of the reintegration interview is to discuss the outcome of the investigation and how best «Forename»'s return to school can be managed. If you cannot attend this meeting, then please telephone to re-arrange.

You also have the right to see a copy of [name of student]'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of [name of student]'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

Further guidance on the exclusions process can be found at: <https://www.gov.uk/government/publications/school-exclusion>

The Coram Students's Legal Centre: [www.studentsslegalcentre.com](http://www.studentsslegalcentre.com) 08088 020 008; and (where considered relevant by the head teacher), links to local services, such as Traveller Education Services or the local parent partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk)).

**«Forename»'s suspension expires on XXXXXXXX, pending further investigation. We expect «Forename» to be back in school on XXXXXXXX at XXXXX.**

Yours sincerely

[name] Principal

## Appendix 6 Model Letter Four

*From the Principal notifying parent of a fixed term exclusion of more than 15 school days in total in one term*

Date:

Name Address

Student Name: (Full name of student) D.O.B: (Date of birth) Year Group:

Dear [parent's name]

I am writing to inform you of my decision to suspend «Forename» for a fixed period of XX day(s). This means that they will not be allowed in this school for this period. **The suspension begins on XXXX and ends on XXXX.**

I realise that this suspension may well be upsetting for you and your family, however the decision to suspend «Forename» has not been taken lightly. «Forename» has been suspended for this fixed period because of XXXXXXXX. **«Forename» is due to return to the Academy at XXXX on XXXXXXXX.**

During the suspension you have a duty to ensure that your child is not present in a public place during school hours, unless there is reasonable justification for this.

It is very important that «Forename» continues their learning from home. There is further guidance attached to this letter for how «Forename» can continue their learning via our online portals. There is also a QR code link to our schemes of learning for all year groups. Should «Forename» struggle to access these online resources from home, please contact the Academy and we can provide a paperwork pack. Please ensure that any work completed is returned to us during the meeting for marking.

From the 6th day of this exclusion XXXXXXX until the expiry of the exclusion, we will provide suitable full-time education. **On [date] «Forename» should attend at [name and address of alternative provider if not home school] at [time] and report to [staff member's name].**

As the length of the exclusion means that **«Forename»** has been excluded for more than 15 school days in total in one term the governing board must meet to consider the exclusion. At the review meeting you may make representations to the governing board if you wish. The latest date on which the governing board can meet is [date here — no later than 15 school days from the date the governing board is notified]. If you wish to make representations to the governing board and wish to be accompanied by a friend or representative please contact Mrs. T Eccles on 01254 304300 extension 333 or at [Tracy.eccles@accrington-academy.org](mailto:Tracy.eccles@accrington-academy.org) as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the governing board of the time, date and location of the meeting.

Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform Mrs. T Eccles if it would be helpful for you to have an interpreter present at the meeting.

Excluded students should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

You should also be aware that if you think the exclusion relates to a disability your student has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal [www.justice.gov.uk/tribunals/send/appeals](http://www.justice.gov.uk/tribunals/send/appeals)

**You and «Forename» are requested to attend a reintegration interview with XXXXX on XXXXXXX at XXXXX.** The purpose of the reintegration interview is to discuss the outcome of the investigation and how best «Forename»'s return to school can be managed. If you cannot attend this meeting, then please telephone to re-arrange.

You also have the right to see a copy of [name of student]'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of [name of student]'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

Further guidance on the exclusions process can be found at: <https://www.gov.uk/government/publications/school-exclusion>

The Coram Students's Legal Centre: [www.studentslegalcentre.com](http://www.studentslegalcentre.com) 08088 020 008; and (where considered relevant by the head teacher), links to local services, such as Traveller Education Services or the local parent partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk)).

**«Forename»'s suspension expires on XXXXXXXX, pending further investigation. We expect «Forename» to be back in school on XXXXXXXX at XXXXX.**

Yours sincerely

[name] Principal

## Appendix 7 Model Letter Five

*From the Principal notifying parent of a permanent exclusion*

Date:

Name Address

Student Name: (Full name of student) D.O.B: (Date of birth) Year Group:

Dear [parent's name]

I regret to inform you of my decision to permanently exclude «Forename» with effect from **XXXXXX**. This means that «Forename» will not be allowed back to this school pending a meeting of the Behaviour Panel.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude «Forename» has not been taken lightly. «Forename» has been excluded permanently because of **XXXXXXXX**.

You have a duty to ensure that your student is not present in a public place in school hours during the first 5 days of this exclusion, that is on **XXXXXX** unless there is reasonable justification for this.

Alternative arrangements for «Forename»'s education to continue will be made. For the first five days of this exclusion we will set work for them and would ask you to ensure this work is completed and returned promptly to school for marking. From the 6th day of the exclusion onwards **XXXXXXX** the Local Authority in which you reside will provide suitable full-time education. I have also today informed the Local Authority of your child's exclusion and they will be in touch with you about arrangements for their education from the 6th school day of exclusion. You can contact them on 01254 220707.

As this is a permanent exclusion the governing board must meet to consider it. At the meeting you may make representations to the governing board if you wish and ask them to reinstate your student. The governing board have the power to reinstate your student immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may request an independent review Panel to review their decision. The latest date on which the governing board can meet is **[specify date — no later than 15 school days from the date the governing board is notified]**.

If you wish to make representations to the governing board and wish to be accompanied by a friend or representative please contact Mrs. T Eccles on 01254 304300 extension 333 or at [Tracy.eccles@accrington-academy.org](mailto:Tracy.eccles@accrington-academy.org), as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing board of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in the meeting. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

Excluded students should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

You should also be aware that if you think the exclusion relates to a disability your student has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal

[www.justice.gov.uk/tribunals/send/appeals](http://www.justice.gov.uk/tribunals/send/appeals)

You also have the right to see a copy of «Forename»'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of «Forename»'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

Further guidance on the exclusions process can be found at: <https://www.gov.uk/government/publications/school-exclusion>

The Coram Students' Legal Centre: [www.studentslegalcentre.com](http://www.studentslegalcentre.com) 08088 020 008; and (where considered relevant by the head teacher), links to local services, such as Traveller Education Services or the local parent partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk)).

Yours sincerely

[name] Principal

## Appendix 8 Model Letter Six

*From the Principal notifying parent of a permanent exclusion - upheld*

Date:

Name Address

Student Name: (Full name of student) D.O.B: (Date of birth)

Year Group:

Dear [Parent's name],

The meeting of the governing board at Accrington Academy on **XXXXXX** considered the decision by Mr Jamie Peel to permanently exclude your child «Forename». The governing board, after carefully considering the representations made and all the available evidence, have decided to uphold «Forename»'s permanent exclusion.

The reasons for the governing board's decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at].**

You have the right to request an Independent Review Panel to reconsider the exclusion. If you wish to do so, please notify the Clerk to the Independent Review Panel. You must set out the reasons for your request in writing, and send this request to Mrs. T Eccles at [Tracy.eccles@accrington-academy.org](mailto:Tracy.eccles@accrington-academy.org) by **[specify the latest date — no later than 15 school days from the date the letter is posted, allowing 2 school days for receipt of letter]**. If you have not lodged a request for an Independent Review Panel by **[repeat latest date]**, your right will lapse. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform the Clerk to the Appeal Panel if it would be helpful for you to have an interpreter present at the hearing.

Your request would be heard by an Independent Review Panel. A three- or five-member Panel will comprise one serving, or recently retired (within the last 5 years) Principal, one serving, or recently serving, experienced governor and one lay member who will be the Chair. The Independent Review Panel will rehear all the facts of the case — if you have fresh evidence to present to the Panel you may do so. The Panel must meet no later than the 15th school day after the date on which your request is lodged. In exceptional circumstances Panels may adjourn a hearing until a later date.

In determining your request for reconsideration, the Independent Review Panel can make one of three decisions: they may uphold your student's exclusion; they may recommend the governing board reconsiders their decision or quash the decision and direct that the governing board considers the exclusion again. However, the independent review Panel cannot direct your student be reinstated at the school.

You have the right to request an SEN expert to attend the above Panel meeting, regardless of whether the excluding school recognises that your student has SEN. You must make it clear if you wish for such an SEN expert to be appointed. Please advise as soon as possible.

Please also note you are permitted, at your own expense, to appoint someone to make written or oral representations to the Independent Review Panel and you may bring a friend to support you.

Excluded students should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding.

You should also be aware that if you think the exclusion relates to a disability your student has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal

[www.justice.gov.uk/tribunals/send/appeals](http://www.justice.gov.uk/tribunals/send/appeals)

Further guidance on the exclusions process can be found at: <https://www.gov.uk/government/publications/school-exclusion>

The Coram Students' Legal Centre: [www.studentsslegalcentre.com](http://www.studentsslegalcentre.com) 08088 020 008; and (where considered relevant by the head teacher), links to local services, such as Traveller Education Services or the local parent partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk)).

The arrangements currently being made for «Forename»'s education will continue. The LGB convened Panel will shortly send you correspondence and guidance with regards to the Independent Review Panel.

Yours sincerely

**Clerks Name**

Clerk to the Governing Board

## Appendix 9 Local Governing Board checklist

This should be used in the Behaviour Panel to ensure proper process has been followed and a completed checklist should be sent to the relevant Education Director at the end of the process.

**Student Name: Date of Meeting:**

<p>1 Telephone call to parent/visit from parent on (date):</p> <p>Letter of notification using model text sent on (date):</p> <p>Copied and sent to Behaviour Committee on (date):</p>	
<p>2 Date of Behaviour Committee Meeting:</p> <p>Is the date within 15 school days from Headteacher's letter, for permanent and fixed term exclusions of more than 15 school days (or total more than 15 school days in a term) <b>OR</b> Within 50 school days from Headteacher's letter, for fixed term exclusions of less than 15 school days?</p>	<b>Yes/No</b>
<p>3 Were all written statements/evidence circulated in advance of this meeting (at least 5 school days before)?</p>	<b>Yes/No</b>
<p>4 Was the procedure for the meeting and confirmation circulated in advance of the meeting?</p>	<b>Yes/No</b>
<p>5 Was all relevant information provided on pupil, including: SEN Status; Care status if looked after or active case for Social Care; academic progress?</p>	<b>Yes/No</b>
<p>6 Where it is a permanent exclusion decision:</p> <ul style="list-style-type: none"> <li>• Does it meet the conditions in which permanent exclusion is appropriate? They are: <ul style="list-style-type: none"> <li>○ allowing him/her to remain in the academy seriously harms the learning or welfare of another student or students in the school</li> <li>○ allowing him/her to remain in the academy seriously harms the welfare of an adult or adults in the school</li> <li>○ his or her behaviour seriously undermines the ethos of the academy</li> <li>○ the student's behaviour is judged to be misconduct or is cumulative persistent misconduct to justify permanent exclusion</li> </ul> </li> <li>• Is it consistent with other similar incidents (where appropriate)?</li> </ul>	<b>Yes/No</b>  <b>Yes/No</b>
<p>7 Evidence and use of procedures are satisfactory in relation to:</p> <ul style="list-style-type: none"> <li>• The investigation conducted</li> <li>• Firm evidence collected to support decision to exclude</li> <li>• Pupil has been given the opportunity to give his/her version of events</li> <li>• Provocation/harassment has been taken into account, if appropriate</li> <li>• The school's SEND policies were legal, reasonable and procedurally fair and the school adhered to these policies in practice</li> <li>• Where appropriate, a Pastoral Support Programme – or Individual Education Plan has been tried.</li> <li>• There is evidence of other interventions that have been tried including, where appropriate: <ul style="list-style-type: none"> <li>○ alternative or enhanced curriculum</li> <li>○ mediation</li> <li>○ education welfare involvement</li> <li>○ family support</li> <li>○ mentor support for the pupil</li> </ul> </li> <li>• No more strategies are available the school could reasonably be expected to initiate</li> <li>• Requirements of discrimination (under the Equality Act 2010) have been considered</li> <li>• Parent has been given adequate time to make representations</li> </ul>	<b>Yes/No</b>

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>• All parties to the meeting know how this decision will be communicated</li><li>• Satisfactory arrangements in place for pupil to continue their education during exclusion</li></ul> |  |
|--|--|

If the answer to the above is no, what concerns exist?

To be completed after the Behaviour Committee meeting

8 Parent, Headteacher and Local Authority notified of decision on (date):

Letter regarding decision sent out on (date):

**Signed (Clerk to the Behaviour Committee):**

\_\_\_\_\_

Date of signature: \_\_\_\_\_

**A copy of this checklist should be sent to the Regional Director at the conclusion of the process.**