



The Legacy Learning Trust

Suspensions and Permanent Exclusion Policy

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Lead	Mrs L Gowland	

Control Sheet – Exclusions Policy

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06/10/24		LG	Title of policy
06/10/24		LG	1.3 removed
		LG	Added 1.4 – A note on off-rolling
		LG	Section 3 changed to incorporate all definitions -now section 4
		LG	Section 3 added – Legislation and stat guidance
		LG	Section 5 – Roles of The Head Teacher and Governing Body
		LG	Added 5.3 – The Local Authority
		LG	Section 6, 7 & 8, 9, 10, 11 added

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1 Introduction

- 1.1 The Legacy Learning Trust (TLLT) exclusion policy aims to set out the process that will be followed and the additional considerations around suspensions and exclusions that TLLT 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 TLLT'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 students and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.
- 1.3 This policy should be read in conjunction with the school's behaviour policy and SEND policy.
- 1.4 **A note on off-rolling**

'Off-rolling' is a form of gaming and occurs where a school makes the decision, in the interests of the school and not the pupil, to:

- Remove a pupil from the school roll without a formal, permanent exclusion, or
- Encourage a parent/carer to remove their child from the school roll, or
- Retain a pupil on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension

Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a pupil's poor academic performance, or
- Because the pupil hasn't met a specific condition, such as attending a reintegration meeting

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.

2 Application of policy

- 2.1 This policy applies to all members of the TLLT community. Each school 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 students.

3 Legislation and statutory guidance

- 3.1 This policy is based on statutory guidance from the Department for Education (DfE): Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. (August 2024)

- 3.2 It is based on the following legislation, which outlines schools' powers to exclude pupils:
- Section 51a of the Education Act 2002, as amended by the Education Act 2011
 - The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- 3.3 In addition, the policy is based on:
- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded pupils
 - Section 579 of the [Education Act 1996](#), which defines 'school day'
 - 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](#)
 - [The Equality Act 2010](#)
 - [Children and Families Act 2014](#)
 - The [School Inspection Handbook](#), which defines 'off-rolling'
 - This policy complies with our funding agreement and articles of association.

4 Definitions

- 4.1 Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.
- 4.2 Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.
- 4.3 Off-site direction – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.
- 4.4 Parent/carer – any person who has parental responsibility and any person who has care of the child.
- 4.5 Managed move – when a pupil is transferred to another school permanently. All parties, including parents/carers and the admission authority for the new school, should consent before a managed move occurs.

5 Roles and responsibilities

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

5.1 The Headteacher

Deciding whether to suspend or exclude

Only the headteacher, or acting headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour

inside or outside of school. The headteacher will only use permanent exclusion as a last resort.

A decision to suspend a pupil will be taken only:

- In accordance with the school's behaviour policy
- To provide a clear signal of what is unacceptable behaviour
- To show a pupil that their current behaviour is putting them at risk of permanent exclusion

Where suspensions have become a regular occurrence, the headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a pupil, the headteacher will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as:
 - For suspensions, detentions or other sanctions provided for in the behaviour policy
 - For exclusions, off-site direction or managed moves

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent/carer or social worker.

The headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

Informing parents/carers

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

If the headteacher decides to suspend or exclude a pupil, the parents/carers/pupil will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about the parents/carers'/pupil's right to make representations about the suspension or permanent exclusion to the governing board and, where the pupil is attending alongside parents/carers, how they may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents/carers/the pupil have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That parents/carers have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the pupil is of compulsory school age, the headteacher will also notify parents/carers without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this

If alternative provision is being arranged, the following information will be included, if possible:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information the pupil needs in order to identify the person they should report to on the first day

If the headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents/carers' consent.

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

Informing the governing board

The headteacher will, without delay, notify the governing board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion that would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term

- Any suspension or permanent exclusion that would result in the pupil missing a National Curriculum test or public exam
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

Informing the local authority (LA)

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

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

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

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

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

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the headteacher will inform **the social worker** as early as possible
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the headteacher will inform **the VSH** as early as possible

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a pupil with a social worker/a pupil who is looked after, they will inform the pupil's social worker/the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)
- They have decided to cancel a suspension or permanent exclusion, and why (where relevant)

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

Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents/carers governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- The notification must provide the reason for the cancellation
- The governing board's duty to hold a meeting and consider reinstatement ceases
- Parents/carers will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay
- The pupil will be allowed back in school without delay

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

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways may be used for this. If the pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

5.2 The Local Governing Body

Considering suspensions and permanent exclusions

Responsibilities regarding exclusions are delegated to Local Governing Body panels, ideally consisting of 3 members.

The panel has a duty to consider parents/carers' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances.

Within 14 days of receiving a request, the governing board will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

The governing board does not have to arrange such provision for pupils in their final year of compulsory education who do not have any further public exams to sit.

Monitoring and analysing suspensions and exclusions data

The governing board will review, challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision, and managed moves.

The governing board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications that may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and why this is taking place
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site

5.3 The Local Authority

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For pupils who are looked after or have social workers, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

6 Considering the reinstatement of a pupil

6.1 The Local Governing Body will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
- It is a suspension that would bring the pupil's total number of days out of school to more than 15 in a term; or
- It would result in a pupil missing a public exam or National Curriculum test

6.2 Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the Local Governing Body must consider any representations made by parents/carers. However, it is not required to arrange a meeting with parents/carers and it cannot direct the headteacher to reinstate the pupil.

6.3 Where the pupil has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents/carers make representations to the board, the Local Governing Body will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents/carers do not make

representations, the board is not required to meet and it cannot direct the headteacher to reinstate the pupil.

6.4 Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the Local Governing Body will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the Local Governing Body may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

6.5 The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- Parents/carers (and, where requested, a representative or friend)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher and/or SLT representatives
- The SENCo if relevant
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

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

The governing board will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

6.6 the Local Governing Body can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, the Local Governing Body will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the headteacher followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the governing board

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

The clerk will be present when the decision is made.

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

6.7 the Local Governing Body will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents/carers
- The headteacher

- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- The local authority
- The pupil's home authority, if it differs from the school's

Where an exclusion is permanent and the Local Governing Body has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents/carers' right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents/carers)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require The Legacy Learning Trust to appoint an SEN expert to advise the review panel
- Details of the role of the SEN expert and that there would be no cost to parents/carers for this appointment
- That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review
- That, if parents/carers believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also, that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

7 Independent review

7.1 If parents/carers apply for an independent review within the legal timeframe, the Legacy Learning Trust will, at their own expense, arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

7.2 Applications for an independent review must be made within 15 school days of notice being given to the parents/carers by the local governing body of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion. Any applications made outside of this timeframe will be rejected.

7.3 Independent reviews can be held remotely at the request of parents/carers/pupils. See section 9 for more details on remote access to meetings.

7.4 A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the headteacher category. At all times during the review process there must be the required representation on the panel.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- Current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

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

- Are a [member/director] of the [LA/academy trust] of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the [LA/academy trust], or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the [LA/academy trust], school, governing board, parents/carers or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

7.5 The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

7.6 Taking into account the pupil's age and understanding, the pupil or their parents/carers will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

7.7 Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

7.8 Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

7.9 Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion, or are relevant to the pupil's permanent exclusion.

7.10 Following its review, the independent panel will decide to do 1 of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

7.11 New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

7.12 In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

7.13 If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

7.14 The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it
- Where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the pupil within 10 school days
- Any information that the panel has directed the governing board to place on the pupil's educational record

8 School registers

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

- 15 school days have passed since the parents/carers were notified of the local governing body's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents/carers have stated in writing that they will not be applying for an independent review panel

8.2 Where an application for an independent review has been made within 15 school days, the governing board will wait until that review has concluded before removing a pupil's name from the register.

8.3 While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

8.4 Making a return to the LA

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- The pupil's full name
- The full name and address of any parent/carer with whom the pupil normally resides
- At least 1 telephone number at which any parent/carer with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e. permanent exclusion)
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents/carers have told the school the pupil is moving to another school
- Details of the pupil's new address, including the new address, the name of the parent/carer(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents/carers have informed the school that the pupil is moving house

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

9. Returning from a suspension

9.1 Reintegration strategy

Following suspension, or cancelled suspension or exclusion, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life for the pupil:

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

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

9.2 Reintegration meetings

The school will clearly explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

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

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

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

10. Remote access to meetings

Parents/carers can request that a governing board meeting, or independent review panel be held remotely. If the parents/carers don't express a preference, the meeting will be held in person.

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

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

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

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

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

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

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

11 Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units (PRUs), off-site directions and managed moves
- Anonymous surveys of staff, pupils, and other stakeholders on their perceptions and experiences

The data will be analysed every term and will be reported back to the headteacher and local governing body.

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By time of day/week/term
- By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

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

12. Use of CCTV and witness statements

12.1 TLLT uses Close Circuit Television (**CCTV**) within its premises. This is to provide a safe and secure environment for students, 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 Local Governing Body review meeting.

12.2 Where witness evidence is relied upon, whether that be from a student or a staff member, the statement(s) will be provided at any Local Governing Body review 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.

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

13 Suspensions before a permanent exclusion

13.1 In exceptional circumstances, students 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. 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.

Other linked Policies/Associated Documents/Procedures

- School Behaviour Policy
- School SEND Policy

Appendix 1 Permanent Exclusion Templates

Letter permanently excluding a pupil template

[Name of Parent(s)]

[Address]

[Date]

Dear [Name of Parent(s)]

Re: Permanent exclusion of [name of pupil]

I write further to my decision to suspend [name of pupil] on [date] for [number] days while an investigation was carried out.

The investigation is now complete, and I regret to inform you of my decision to permanently exclude [name of pupil] with effect from [date]. This means that [name of pupil] will not be allowed in this school unless they are reinstated by the Local Governing Body Discipline Committee.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude [name of pupil] has not been taken lightly. [name of pupil] has been excluded because [set out reasons and whether decision is for a single serious breach or persistent breaches of the behaviour policy].

Consideration has been given to your child's additional needs [and reasonable adjustments were made by...] or [however we do not believe they were a contributing factor in the events leading up to the suspension.]

You have a duty to ensure that your child is not present in a public place in school hours during the first five school days of this exclusion unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those days. It will be for you to show reasonable justification.

For the first five school days of the suspension we will set work for [name of pupil] and would ask you to ensure this work is completed and returned promptly to school for marking. During the suspension work will be set via details. If you do not have access to remote learning please inform Name and contact details and we will make alternative arrangements. From the sixth school day of the exclusion onwards, the local authority will provide suitable full-time education.

As this is a permanent exclusion the Local Governing Body Discipline Committee must meet to consider it. At the review meeting you may make representations to the Discipline Committee if you wish and ask them to reinstate your child in school. The Discipline Committee has the power to reinstate your child immediately or from a specified date, or, alternatively, it has the power to uphold the exclusion, in which case you may request that its decision be reviewed by an independent review panel. The latest date by which the Discipline Committee must meet is [date – 15 school days after receiving notice of exclusion].

If you wish to make representations to the Discipline Committee and wish to be accompanied by a friend and/or representative, please contact (Name and details) as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the Discipline Committee of the time, date and location of the meeting. Please let us know if [name of pupil] will attend the meeting and whether they would like to make any written and/or oral representations. [[name of pupil]'s [social worker][Virtual School Head] will be invited to attend].

Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform [name] if it would be helpful for you to have an interpreter present at the meeting. If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the Discipline Committee

You may request a copy of [name of pupil]'s school record. Please send any request through in writing to (Name and details). [As [name of pupil] is over 13 years old please provide their written consent to enable me to send their information through to you.] Please note that there may be a charge for photocopying.

You may wish to contact the Exclusion Officer at Middlesbrough Local Authority for further advice and guidance in relation to the suspension.

You may wish to contact the local authority for advice and guidance:

Michaela_Brown@middlesbrough.gov.uk
Alison_Kwok@middlesbrough.gov.uk

There are sources of free and impartial advice available on suspensions:

- Statutory guidance on suspensions and exclusions:
<https://www.gov.uk/government/publications/school-exclusion>
- Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership).

Yours sincerely

Headteacher

[cc. where applicable, the pupil's social worker, the VSH if the pupil is a LAC and/or the local authority if a pupil has an EHCP]

Letter informing of Discipline Committee Date

[Name of Parent(s)]
[Address]

[Date]

Dear [Name of Parent(s)]

Re: Local Governing Body Discipline Committee review meeting in respect of [name of pupil]'s [suspension OR exclusion] from Name of school

I am writing to inform you that the Local Governing Body Discipline Committee meeting has been scheduled to take place at Acklam Grange School at [insert time] on [insert date]. At this meeting the Discipline Committee will consider whether to reinstate [name of pupil] following the headteacher's decision to [[issue a suspension from [date] to [date]][permanently exclude [name of pupil] on [date]].

Please confirm as soon as possible whether you wish to attend this meeting or, if you wish to attend but are unable to make this date, let me know at the earliest opportunity so that I can attempt to reschedule the meeting.

If you have any documents you wish to be circulated in advance of the meeting, please send them to 'The Clerk to the Local Governing Body Discipline Committee' at the address shown at the top of this letter. Receipt (whether by post or email) must be no later than 12pm on [insert date]. Any such documents will be forwarded to the Discipline Committee and Headteacher. Please note that if you introduce any new documents at the meeting which have not been circulated in advance, the meeting may be adjourned to a later date.

A copy of the documentation in preparation for the meeting will be posted to you at least five school days prior to the meeting.

At the meeting, you may make representations to the Discipline Committee if you wish and ask them to reinstate your child in school. The Discipline Committee has the power to reinstate your child immediately or from a specified date, or, alternatively, it has the power to uphold the exclusion, in which case you may request that its decision be reviewed by an independent review panel.

If you wish to make representations to the Discipline Committee and wish to be accompanied by a friend and/or representative, please contact [name and details] as soon as possible. Please let me know if [name of pupil] will attend the meeting and whether they would like to make any written and/or oral representations.

[name of pupil]'s [social worker][Virtual School Head] [will be OR has been] invited to the meeting.

You may request that a representative of the local authority attends the meeting (together with a representative of your home local authority if different from the school's). Any local authority representative will attend as an observer only, unless permission is granted by the Discipline Committee for representations to be made. Please confirm whether you would like a representative of the local authority (and your home local authority, if different) to attend the hearing.

Please let me know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform [name] if it would be helpful for you to have an interpreter present at the meeting. If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the Discipline Committee.

If you have any queries in relation to the arrangements or the documentation, please do not hesitate to contact me at

Yours sincerely

Clerk to the Local Governing Body Discipline Committee

Uphold Exclusion letter

[Name of Parent(s)]
[Address]

[Date]

Dear [Name of Parent(s)]

Local Governing Body Discipline Committee exclusion outcome

I write further to the permanent exclusion of [name] from (add school) and the Local Governing Body Discipline Committee meeting [that you attended] that took place on [date].

The Discipline Committee, after carefully considering the representations made and all the available evidence, have decided to uphold [name]'s permanent exclusion.

The Discipline Committees' role is set out in the Department of Education exclusions statutory guidance (July 2022). The Committee had to look at the circumstances of the exclusion, [name]'s interests and those of the school community to determine whether the Headteacher's decision was lawful, reasonable and procedurally fair.

The Discipline Committees' reasons for the decision are as follows:

Was the decision to exclude the pupil lawful?

[Give full reasons for the decision. Under lawfulness we would expect the following to be covered:

- Did the headteacher take the decision?*
- Were there persistent breaches or a serious breach of the school's behaviour policy?*
- Is there sufficient evidence on the balance of probabilities that the behaviour occurred?*
- Would serious harm result to the pupil themselves or to others if the pupil were to be reinstated?*
- If the behaviour occurred outside of school time, was it reasonable for the school to sanction for this?*
- Were relevant school policies followed?*
- Have SEN been identified — if so, did the school follow the SEND Code of Practice and use its best endeavours to provide support? Has the school's SEN policy been followed? What support was provided to the pupil?*
- Does the pupil have a disability? If so, have reasonable adjustments been made? Was it a proportionate decision?*
- If the permanent exclusion was issued immediately after a suspension, were there exceptional circumstances to justify a new decision to exclude being made (e.g. further evidence or some other reason)?*

Was the exclusion reasonable?

[Give reasons as to why it was a reasonable decision. Under reasonableness we would expect the following to be covered:

- *Was this a decision that was within the reasonable range of responses for a headteacher to take?*
- *Was the behaviour policy followed, particularly in respect of support and interventions?*
- *Were all relevant considerations taken into account by the headteacher before they made their decision? If not and they had been considered, might it have resulted in a different decision?*
- *Were irrelevant elements considered by the headteacher (e.g. behaviour of parents, inability to meet child's needs)?*
- *Was it a proportionate decision? (Was it a decision of last resort? Were alternatives considered?)*

Were there any procedural flaws?:

- *Were the relevant letters sent without delay?*
- *Was the statutory guidance followed? If not, why not and what impact did this have?*
- *Was a proper investigation undertaken?*

Make sure that the reasons cover the specific points, if any, that have been made by the parent(s). It may be that the parental representations focus on specific points that the governors will need to pay particular attention to].

You have the right to request a review of this decision by an independent review panel. If you wish to do so, please write to **(Name and contact details)**. You must set out the reasons for your review in writing; if relevant, this should include a reference to how the pupil's special educational needs (SEN) are considered to be relevant to the exclusion and send this notice of review to **(name)** by no later than **[specify the date – 15 days from the decision being received]**. If you have not lodged a review by **[repeat date]**, you will lose your right to a review. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. You may bring a friend to the review, or at your own expense appoint someone to make written and/or oral representations to the panel. Also, please inform **(name)** if it would be helpful for you to have an interpreter present at the hearing. **[[name of pupil]'s [social worker][Virtual School Head] will be invited to the hearing].**

Your review will be heard by an independent review panel. A three-member panel will comprise: one serving or recently retired (within the last five years) Headteacher; one serving (or recently serving) experienced governor; and one lay member, who will be the chair.

You may request the presence of a SEN expert, the costs of which shall be met by the school. The role of the SEN expert will be to provide impartial advice on how special educational needs may be relevant to the exclusion, and they should advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair manner with respect to any identification of SEN, and any contribution this could have made to the circumstances of the permanent exclusion.

The review panel will re-hear 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 the hearing until a later date.

In determining your review the panel can make one of three decisions: they may uphold your child's exclusion; they may recommend that the governing body reconsiders its decision to exclude your child; or they may quash the governing body's decision and direct that the governing body considers the exclusion again. If the review panel either recommends or directs that the governing body reconsider its decision, a further meeting must be convened at the school within 10 school days of the governors receiving the panel decision.

In addition to the right to apply for an independent review panel, if you believe that the exclusion has occurred as a result of discrimination relating to a disability, you may make a claim under the Equality Act 2010 (within six months of the incident) to the First Tier Tribunal (Special Educational Needs and Disability) www.justice.gov.uk/tribunals/send/appeals. In the case of other forms of discrimination, a claim may be made to the County Court. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which your child was excluded.

There are sources of free and impartial advice available on exclusions:

- Statutory guidance on suspensions and exclusions:
<https://www.gov.uk/government/publications/school-exclusion>
- Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)

The Local Governing Body recognise that you will be disappointed by their decision but sincerely believe that this is in the best long-term interests of [name] and wish you and [name] all the best in the future.

Yours sincerely

Clerk to the Local Governing Body Discipline Committee

[cc. where applicable, the pupil's social worker, the VSH if the pupil is a LAC and/or the local authority if a pupil has an EHCP]

Appendix 2 Suspension Letter Templates

Suspension pending template

[Name of Parent(s)]

[Address]

[Date]

Dear [Name of Parent(s)]

Re: Suspension of [name of pupil]

I regret to inform you of my decision to suspend [name of pupil] for [number] days with effect from [date] [pending further investigation]. This means that [name of pupil] will be expected to return to school on [date]. [Please note that the outcome of my investigation may lead to a further decision of permanent exclusion.] [A reintegration meeting has been arranged to take place on [date] at [time] to discuss how [name of pupil]'s return to school and future behaviour will be managed.]

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend [name of pupil] has not been taken lightly. [name of pupil] has been suspended because [reasons for the suspension].

Consideration has been given to your child's additional needs [and reasonable adjustments were made by...] or [however we do not believe they were a contributing factor in the events leading up to the suspension.]

You have a duty to ensure that your child is not present in a public place in school hours during this suspension, i.e. on [specify the precise dates] unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

Alternative arrangements for your child's education to continue will be made. During the suspension we will set work for [name of pupil] and would ask you to ensure this work is completed and returned promptly to school for marking. During the suspension work will be set via [add details]. If you do not have access to remote learning please inform [name and details] and we will make alternative arrangements.

You have the right to make written representations to the Local Governing Body Discipline Committee. The Discipline Committee must meet following receipt of any representations. Please inform [name and details] if you and [name of pupil] would like to attend this meeting.

If you and [name of pupil] wish to make written representations to the Discipline Committee please send these through to [name and details] as soon as possible. You may request a copy of [name of pupil]'s school record. Please send any request through in writing to [name and details]. [As [name of pupil] is over 13 years old please provide their written consent to enable me to send their information through to you.] Please note that there may be a charge for photocopying.

You may wish to contact the Exclusion Officer at Middlesbrough Local Authority for further advice and guidance in relation to the suspension.

You may wish to contact the local authority for advice and guidance:

Michaela_Brown@middlesbrough.gov.uk

Alison_Kwok@middlesbrough.gov.uk

There are sources of free and impartial advice available on suspensions:

- Statutory guidance on suspensions and exclusions:
<https://www.gov.uk/government/publications/school-exclusion>
- Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership).

Yours sincerely

Headteacher

[cc. where applicable, the pupil's social worker, the VSH if the pupil is a LAC and/or the local authority if a pupil has an EHCP]

Suspensions 1-5 days template

[Name of Parent(s)]
[Address]

[Date]

Dear [Name of Parent(s)]

Re: Suspension of [name of pupil]

I regret to inform you of my decision to suspend [name of pupil] for [number] days with effect from [date]. This means that [name of pupil] will be expected to return to school on [date]. A reintegration meeting has been arranged to take place on [date] at [time] to discuss how [name of pupil]'s return to school and future behaviour will be managed.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend [name of pupil] has not been taken lightly. [name of pupil] has been suspended because [reasons for the suspension].

Full consideration has been given to your child's additional needs [and reasonable adjustments were made by...] [however we do not believe that they were a contributing factor in the events leading up to this suspension.

You have a duty to ensure that your child is not present in a public place in school hours during this suspension, i.e. on [specify the precise dates] unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

Alternative arrangements for your child's education to continue will be made. During the suspension work will be set via (add details). If you do not have access to remote learning, please inform (name and details) and alternative arrangements will be made.

You have the right to make written representations to the Local Governing Body Discipline Committee. Please inform (name and contact) if you and your child wish to do so. The Discipline Committee must meet following receipt of any representations, please inform (name and contact) if you wish to attend this meeting.

You may request a copy of your child's school record. Please send any request through in writing to (name and contact) . [As [name of pupil] is over [13] years old please provide their written consent to enable me to send their information through to you]. Please note that there may be a charge for photocopying.

You may wish to contact the Local Authority for further advice and guidance in relation to the suspension:

Michaela_Brown@middlesbrough.gov.uk

Alison_Kwok@middlesbrough.gov.uk

There are also sources of free and impartial advice available on suspensions:

- Statutory guidance on suspensions and exclusions:
<https://www.gov.uk/government/publications/school-exclusion>
- Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.

- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website:
<http://www.ace-ed.org.uk/>.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership).

Yours sincerely

Headteacher

[cc. where applicable, the pupil's social worker, the VSH if the pupil is a LAC and/or the local authority if a pupil has an EHCP]

Cancellation of suspension template

[Name of Parent(s)]

[Address]

[Date]

Dear [Name of Parent(s)]

Re: Cancellation of [Suspension OR Permanent exclusion] of [name of pupil] from [school]

I write further to my letter dated [date] [and our subsequent discussions] regarding the [suspension OR permanent exclusion] of [name of child].

Having reviewed the situation and taken account of [set out the new evidence/change in circumstances], I am writing to confirm that I am cancelling the [suspension/permanent exclusion].

If you wish to discuss the change of circumstances further, please let me know and we can arrange a mutually convenient time to discuss.

[In the meantime, [name of child] should return to school as soon as possible and [name of child] and you are invited to a re-integration meeting on [date]].

[As you have chosen to remove [name of child] from the school, I wish [name of child] all the best for the remainder of [his/her] education.]

Yours sincerely

Headteacher

[cc. where applicable, the pupil's social worker, the VSH if the pupil is a LAC and/or the local authority if a pupil has an EHCP]

Appendix 3 SLT Behaviour Panel templates

DATE

PARENT/CARER NAME

ADDRESS

ADDRESS

ADDRESS

Re: **Pupil name**

Dear **parent/carer name**,

I am writing to you to invite you to an SLT Behaviour Panel meeting to discuss concerns about **Student name** behaviour at (**name of school**).

This meeting has been arranged for **DATE AND TIME**. If you have a disability or special needs which may require us to make adjustments to, or which may affect your ability to attend the meeting at school, please let me know when you confirm your attendance.

Present at the meeting will be:

Three members of the Senior Leadership team who form the Discipline Committee:
(**add details**)

Please telephone me at school at your earliest convenience to confirm that you will be attending this meeting

Yours sincerely

Clerk to the Discipline Committee