



John O'Gaunt School
Suspension and Permanent Exclusion Policy

Date of approval:	December 2023
Approved by:	Excalibur Academies Trust
Signed by LGB Chair:	March 2024
Review cycle:	4 years
Review date:	December 2027

Contents

1. Aims	3
2. Legislation and statutory guidance.....	3
3. The decision to suspend or exclude	3
4. Definitions.....	5
5. Roles and responsibilities	6
6. Cancelling exclusions	12
7. Considering the reinstatement of a pupil	13
8. An independent review.....	17
9. School registers.....	17
10. Returning from a suspension	18
11. Monitoring arrangements.....	18
Appendix 1 Principal's Checklist	19
Appendix 2 Proforma email to send to parents immediately upon suspension or exclusion	Error! Bookmark not defined.
Appendix 3 PA's Checklists	Error! Bookmark not defined.
Appendix 4 Governor training requirements	Error! Bookmark not defined.
Appendix 5 Timescale and Powers of the Disciplinary Committee	Error! Bookmark not defined.
Appendix 6 DC review of evidence	Error! Bookmark not defined.
Appendix 7 DC questions arising from review of paperwork	Error! Bookmark not defined.
Appendix 8 DCM Agenda proforma	Error! Bookmark not defined.
Appendix 9 DC Clerk's Checklist	Error! Bookmark not defined.
Appendix 10 Redacting documents and CCTV	Error! Bookmark not defined.
Model letters for the Principal's PA:	Error! Bookmark not defined.
Model letters for the DC Clerk:.....	Error! Bookmark not defined.

1. Aims

Our schools aim to ensure that:

1. The suspensions and exclusions process is applied fairly and consistently
2. The suspensions and exclusions process is understood by governors, staff, parents and pupils
3. Pupils in school are safe and happy
4. Pupils do not become NEET (not in education, employment or training)

Following these processes correctly should ensure that:

1. Our schools meet their legal duty of care towards pupils
2. Child protection issues are taken into account
3. Pupils' human right to education is not contravened¹

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England (September 2023).

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

1. Section 52 of the Education Act 2002, as amended by the Education Act 2011
2. The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

1. Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded pupils
2. Section 579 of the Education Act 1996, which defines 'school day'
3. 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
4. Equality Act 2010

3. The decision to suspend or exclude

We are committed to following all statutory suspensions and exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Only the Principal, or acting Principal, can suspend or exclude a pupil from school. A (permanent) exclusion will be taken as a last resort.

In all cases, the decision to exclude must be **lawful, rational, reasonable, fair** and **proportionate**.²

A decision to exclude a pupil will be taken only:

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

A pupil's behaviour outside of school can be considered as a reason for suspension or exclusion if this is in line with the school's behaviour policy.

Before deciding whether to exclude a pupil, either permanently or suspend them for a fixed period, the Principal will:

1. Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion/suspension were provoked
2. Allow the pupil to give their version of events
3. Consider if the pupil has special educational needs (SEN)

The Principal **cannot** extend a suspension or convert a suspension into an exclusion. However, they can issue a further suspension or an exclusion to begin immediately after the end of the first suspension. This usually happens where further evidence has come to light.²

Lawful²

It's unlawful to suspend or exclude a child for non-disciplinary reasons. Examples of unlawful reasons include:

1. The actions of the pupil's parents
2. The pupil having additional needs or a disability that the school feels unable to meet
3. Poor academic ability or attainment
4. The pupil failing to meet specific conditions before they're reinstated, such as failing to attend a reintegration meeting

'Informal' or 'unofficial' suspensions are unlawful. The DfE gives the example of sending a pupil home to 'cool off'. Even if the parents agree with it, any suspension of a pupil must follow the formal procedures, including recording the suspension.

Our schools are aware that off-rolling is unlawful. Ofsted defines off-rolling as:

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

Our schools are aware that the purpose of a suspension or exclusion is not to send a message to the rest of the school community.

Rational

Based on, or in accordance with, reason or logic.

Reasonable

Not extreme or excessive, but moderate and fair.

Fair

Treating people equally without favouritism or discrimination. Procedural fairness refers to an investigation that must be held to give the pupil an opportunity to state their case. The rules of procedural fairness require:

1. An investigation appropriate to the circumstances, which must include the following:
 1. The pupil must be informed of the allegations against them, in a manner which they can understand
 2. The pupil should be allowed reasonable time to prepare a response to the allegations
 3. The pupil must be given an opportunity to state their case

2. Lack of bias
3. Evidence to support a decision
4. Enquiry into matters in dispute

Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

Suspensions and exclusions which require special consideration²

1. Pupils in the sixth form

Pupils over compulsory school age can only be suspended or excluded for behavioural reasons, as above. A school can set specific academic standards for entry to year 12, but the expectation is that the pupil will progress to year 13. They can't be asked to leave the school for failing to reach a certain academic standard at the end of year 12.

2. Pupils from groups with disproportionately high rates of exclusion

1. Pupils with special educational needs (SEN)
2. Children who qualify for free school meals
3. Looked after children
4. Gypsy/Roma, Travellers of Irish heritage and Caribbean pupils

Before suspending/excluding these pupils, Principals should take steps to intervene early and identify and address the specific needs of these pupils. All attempts at intervention should be well-documented.

5. Pupils with education, health and care (EHC) plans and looked after children (LAC)

These children have been identified as being particularly vulnerable to the impact of exclusion. As a result, Principals should, as far as possible, avoid permanently excluding these pupils. Where there are concerns about behaviour, or a pupil is at risk of exclusion, additional support or an alternative placement should be considered. Where a pupil has an EHC plan, schools should consider requesting an early annual review or interim/emergency review.

Proportionate

Realistically regarded in terms of the relative importance or seriousness of the behaviour in question.

4. Definitions

Suspensions (fixed-term exclusions) are temporary. A pupil can be suspended for 1 or more fixed periods, up to a maximum of 45 days in total per school year. Suspensions can also be for just a part of the school day, such as a lunchtime suspension. Each lunchtime suspension counts as half a day.²

Exclusions should always be a last resort and should only be taken in response to a serious breach, or persistent breaches, of the school's behaviour policy; **and** where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.²

For the purposes of suspensions and exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

The reference to a 'term' in this policy means the three periods from 31 December to Easter Monday, from Easter Monday to 31 July and from 31 July to 31 December.³

In this policy, 'academic year' means a school's academic year beginning with the first day of school after 31 July and ending with the first day of school after the following 31 July.³

'Internal exclusions' are not formal suspensions and don't fall under the statutory exclusions framework. An example of an internal exclusion is sending a child to work in an isolation unit, as a sanction.²

5. Roles and responsibilities

The Principal

The decision to suspend or exclude a pupil from school, lies ultimately only with the Principal, but a substantial amount of evidence and advice should be sought. The Principal may delegate some of the actions in the tables below but they cannot delegate the final decision to suspend or exclude and the responsibility for the actions remains with the Principal to ensure they are completed. Where a Head of School is in place with an Executive Principal sitting above them the role of Principal is assumed by the Head of School.

Where a student is 18 or above they should be involved in the process, not their parents/carers.

Who	When	What	How
Initial assessment			
On call	Immediately	Make all parties safe	Separate Secure First Aid Police
SLT	ASAP	1. Pupil statement, signed and dated 2. Other pupil/staff/witness statements, signed and dated 3. CCTV footage if applicable 4. Social media evidence if applicable	
Principal	Assessment	Is there enough evidence to support a suspension/ exclusion?	Appendix 1
Who	When	What	How
Decision to suspend/exclude			
Principal	Before end of school day	Is there enough evidence to reach a final decision?	Lawful, Rational, Reasonable, Fair, Proportionate
Principal	Before end of school day	If no, suspend for a short duration in order to gather more information. <i>[This could be a 1-day suspension and if still not clear after 1 day, can suspend a further few days – usually between 2-5 days]</i> N.B. it is extremely important to record in detail the specific investigation made during this suspension. If the outcome of this investigation is exclusion, it must be proven that the initial suspension was not 'converted' into an exclusion, and the timeline and recording of this investigation will support this.	

Principal	Before end of school day	If yes, decide upon nature and length of sanction which is fair and proportionate to that individual	
Principal	Before end of school day	Ensure suspension/exclusion start is compliant: 1. If pupil is sent home in the morning, the suspension/exclusion must start from the afternoon session 2. If sent home during the afternoon, or at end of school day, suspension/exclusion starts the following day	
Principal	Before end of school day	Is this a lunchtime suspension? Each lunchtime suspension is counted as 0.5 day i.e. 1 week of leaving the site during lunchtimes equates to 2.5 days suspension	
Who When What How			
Informing parents			
Principal	Before end of school day	Advise parents/carers to collect pupil ASAP	Telephone
Principal	Before end of school day	Advise parents/carers: 1. for the first 5 school days of a suspension/exclusion, or until the start date of any alternative provision where this is earlier, they are legally required to ensure that their child is not present in a public place during school hours without a good reason 2. they may be given a fixed penalty notice or prosecuted if they fail to do this	Telephone and email Appendix 2
Who When What How			
Informing internal and other external parties (for their action)			
In the case of a (permanent) exclusion			
Principal	Immediately	1. PA (or equivalent for formal letter) 2. CEO (and Director of Primary or Secondary education) 3. Head of Safeguarding and school DSL 4. Head of Governance 5. AC Chair 6. AC Clerk 7. Local authority of school 8. Local authority of pupil, if different from above 9. Virtual School Head and Social worker if applicable (include DSL if a social worker is involved)	Appendix 1 Telephone/email Email Email Telephone Email Email Email Email
In the case of the suspension/exclusion resulting in a pupil missing a public examination			
Principal	Immediately	10. CEO (and Director of Primary or Secondary education)	Telephone/email

		<ol style="list-style-type: none"> 11. Head of Governance 12. AC Chair 13. AC Clerk 14. Local authority of school 15. Virtual School Head and Social worker if applicable (include DSL if a social worker is involved) 	<p>Email</p> <p>Telephone</p> <p>Email</p> <p>Email</p> <p>Email</p>
In the case of a suspension			
Principal	ASAP	Including this suspension, determine how many aggregate days the pupil has been suspended this 'term'	See definition of 'term' in Section 4
Principal	ASAP	If the total exceeds 15 days, additionally check the aggregate days the pupil has been suspended this 'year'. This <u>cannot</u> exceed 45 days. Where a pupil has received multiple exclusions or is approaching the legal limit the Principal should consider whether exclusion is an effective sanction. The guidance does not give scope for a pupil to be excluded permanently because they have received multiple suspensions resulting in the legal limit being reached.	See definition of 'year' in Section 4
Principal	ASAP	If the total exceeds 15 days, inform: <ol style="list-style-type: none"> 1. PA 2. CEO (and Director of Primary or Secondary education) 3. Head of Safeguarding 4. Head of Governance 5. AC Chair 6. AC Clerk 7. Local authority of school 8. Virtual School Head and Social worker if applicable (include DSL if a social worker is involved) 	<p>Appendix 1</p> <p>Email</p> <p>Email</p> <p>Email</p> <p>Email</p> <p>Email</p> <p>Email</p>
Principal	ASAP	If the total equals 5.5-15 days, inform: <ol style="list-style-type: none"> 9. PA 10. Local authority of school 11. Virtual School Head and Social worker if applicable (include DSL if a social worker is involved) 	<p>Appendix 1</p> <p>Email</p> <p>Email</p>
Principal	ASAP	If the total equals 0.5-5 days, inform: <ol style="list-style-type: none"> 12. PA 13. Virtual School Head and Social worker if applicable (include DSL if a social worker is involved) 	<p>Appendix 1</p> <p>Email</p>
Principal	ASAP	Determine reintegration arrangements and inform PA of meeting date/time, and who is invited*	In person

Principal	ASAP	Inform any staff involved in incident of decision	In person
Principal	ASAP	Inform all staff of decision, for them to be alert to any pupil's attempt to enter the site whilst suspended/excluded, and for their attendance records to be updated promptly	Email
Who	When	What	How
PA	Immediately	Locate correct proforma letter for the suspension/exclusion and complete the details. This should include a paragraph outlining why the pupil has been suspended/excluded. This should ideally use behaviour descriptions which match the school's Behaviour Policy.	Appendix 3
PA	ASAP	Obtain Principal's approval to distribute	
PA	ASAP	Send completed letter to parents/carers Where the suspension/exclusion triggers a governor panel copy the letter to the Clerk and Head of Governance	Email AND Post Email
Who	When	What	How
SLT	Immediately	Contact all necessary staff to set work for pupil between days 1-5	In person/Email
SLT	1-5 days	Monitor compliance with school's responsibility to set and mark work	MIS
SLT	1-3 days	If alternative provision is being arranged and it was not possible to document these in the suspension/exclusion letter, details must be provided, in writing, to the parents no less than 48 hours before the provision is due to start	Email
Who	When	What	How
PA	ASAP	Create/collate the document pack to be sent to all parties. This should be done in liaison with the DC Clerk, who will determine the deadlines for this submission, and they will review the pack before it is sent out by the school.	Appendix 3
PA In a Primary Setting the DC Clerk may support the distribution but not	As soon as available, but no later than 5 school days before the DCM	Distribute the document pack to: 1. DC members 2. Principal 3. Parents or 4. Pupil (if over 18) Plus, if relevant: 5. LA ¹ 6. Principal's advocate(s)	Email / post

¹ Academies do not have to invite the LA to a DC meeting. The trust supports the invitation of LA representatives and encourages the DC to do so. Parents are entitled to invite an LA officer as their advocate/supporter. If in attendance, the LA representative can only make a statement or ask questions if permitted by the Chair.

collation of the pack		7. Parents' advocate(s) 8. Virtual School Head and Social worker if applicable (include DSL if a social worker is involved)	
Who	When	What	How
Principal	At the DCM	Prepare the statement to be presented at the DCM, to support the investigation and school's case	
Who	When	What	How
Principal	Termly	Report list of suspensions and exclusions to: 9. Education Scrutiny Committee (anonymised) 10. Academy Committee (anonymised) 11. Local authority	Principal's Report

* Re-integration procedures are not included here, but should be found in the school's Behaviour Policy

Where alternative provision is appropriate and available, details must be provided in writing to the parent 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 exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

For secondary schools only, provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

The Academy Committee's Discipline Committee

Responsibilities regarding suspensions and exclusions are delegated to a sub-committee of the Academy Committee called the Discipline Committee. The Discipline Committee may include governors from other schools across the Trust and may also include Trustees.

The Discipline Committee has a duty to consider the reinstatement of a suspended or excluded pupil (see section 6). All governors willing to sit on a Discipline Committee must have undertaken training before doing so. Appendix 4 outlines the training requirements.

Where the threshold for a 15+ day suspension review has been reached the DCM must meet to review this. If the pupil receives subsequent 15+ day suspensions or is permanently excluded this will trigger a separate DCM for the review of the suspensions or permanent exclusion. These are separate legal processes and must be adhered to.

Within 14 days of receipt of a request, the trust will provide the secretary of state with information about any suspensions and exclusions in the last 12 months.

Who	When	What	How
Arranging the Discipline Committee Meeting			
DC Clerk	Receipt of email from Principal	Consult the 'Timescale and Powers of the Disciplinary Committee' table to determine the date range in which the meeting must be heard. In exceptional circumstances, this may	Appendix 5

		<p>exceed the statutory limit with the agreement of all parties, especially if this accommodates pupil and parent voice.</p> <p>N.B. this timescale may need to be accelerated if suspension or exclusion would result in a pupil missing a public examination</p>	
DC Clerk	Receipt of email from Principal	<p>Liaise with governors, school and parents (or pupil) for a date for the DCM. The LA, VSH and Social Worker should also be informed. <i>For any suspensions or exclusions of SEN pupils, the SENDCo should also attend. For any pupils with a Social Worker the DSL should also attend.</i></p>	Appendix 5 Email / telephone
DC Clerk	As above	<p>Ensure the membership of the DC is compliant.</p> <ol style="list-style-type: none"> 1. There should be a minimum of 3 governors 2. If there are new governors to the process it is possible that a 4th governor be invited for professional development purposes to observe. Should there be a last-minute retirement of a committee member, this governor can step in. This does not need to happen routinely 3. The DCM must be clerked 4. Governors must not: <ol style="list-style-type: none"> 1. have previous knowledge of the case (in cases where a panel hearing has taken place previously for the pupil ideally the panel will be new however, it is recognised that there are limited numbers of governors so we may need to reuse governors in some cases) 2. be acquainted with the parents or pupil 3. be employed by the school (however they can be employed by the trust if based at a separate site) 5. If governors are parents at the school, they must recuse themselves in cases where their child shares a tutor group with the pupil concerned. Care should be taken if they are in the same year group – this will depend upon the size of the school, options subjects, etc. 6. The Chair should not be on the DC if they have previously discussed the case with the Principal, or have had any prior involvement with the case 7. Governors must not take part if there is any perception that they would not be impartial 	
DC Clerk / PA	Agreement of DCM date	<p>Determine arrangements for holding the meeting, including:</p> <ol style="list-style-type: none"> 1. on or off site? 2. meeting room 	

		<ol style="list-style-type: none"> 3. separated reception areas for all parties 4. Virtual meeting or face to face 5. VSH and social worker can attend virtually to all hearings even those which are face to face 6. interpreters or use of translation services 7. Consider advocate support for parents with EAL or literacy issues 8. details of any attending advocates (both school and family) 9. will the pupil be attending? A written statement from the pupil is encouraged² 10. any access arrangements required 11. technology to view possible CCTV 	
Who	When	What	How
Preparing for the DCM			
DC Clerk	Agreement of DCM date	<ol style="list-style-type: none"> 1. Email DC members with confirmation of date, timings and location (if known) 2. Email/post DCM invitation to family 3. Invite LA officers (including VSH, social worker if applicable, note ability to attend virtually) to attend 	Email Model Letter Email/post
DC Clerk	As soon as available	Liaise with the PA to ensure the document pack is being prepared promptly, and review this before the school sends it out if it is provided 48 hours before the deadline for issue. This review could be undertaken by another member of school staff – PA and Clerk to liaise on who is best placed to complete this action	

The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

6. Cancelling exclusions

The Principal can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing body has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled:

- The Principal must notify the parents, the Academy Committee, the LA and the pupil's social worker and VSH as applicable, without delay. The notification must also provide the reasons for the cancellation
- The Academy Committee's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.

² Point 107 from September 2023 Guidance: Taking into account, the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in the governing board meeting and the pupil should be enabled to make a representation on their own behalf if they wish to do so.

- Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the Principal to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay
- The pupil must be allowed back into the school from which they were excluded 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.

7. Considering the reinstatement of a pupil

The Discipline Committee can either:

1. Decline to reinstate the pupil, or
2. Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the Discipline Committee will consider whether the suspension or exclusion was lawful, reasonable and procedurally fair and whether the Principal followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to suspend or exclude.

Who	When	What	How
Review of paperwork			
DC	Once documents circulated	Assess completeness, robustness and reliability of evidence submitted in the documents. If the DCM has been convened as a result of aggregate suspensions during the term/year, the DC can receive details of previous suspensions if relevant to the decision to suspend in this case, within the evidence pack, however, they can only reach a decision whether or not to uphold the suspension which caused the pupil to exceed 15 days of suspension in a term. There is no scope in the process for the panel to make a judgement on previous decisions to suspend the pupil. ³ <i>The DC does not consider suspensions from previous terms</i>	Appendix 6
DC	Once documents circulated	Note any questions to be raised at the meeting, including: 1. Prompting for evidence not clear or present in the document pack 2. Any enquiry specific to the circumstances of this case	
Who	When	What	How
Advance preparation for DCM			
DC Clerk	Once documents circulated	Arrange pre-meet for committee members. This can be online 24 hours before the DCM or immediately before the DCM hearing. N.B. the DC Clerk must be present at this meeting to ensure it addresses process only	Teams or face to face if immediately before the DCM
DC and Clerk	Pre-meet	3. Elect Chair 4. Determine if evidence submitted is clear and sufficient, or if more is required e.g. CCTV 5. Determine if a site visit is required ahead of the DCM by the Committee 6. Identify Key Lines of Enquiry to be covered at the DCM 7. Verify who will be attending the DCM, and seek legal advice if necessary	Teams
Who	When	What	How
At the DCM: the hearing			
DC Chair	Start of meeting	1. Initially, only the DC and the Clerk should be in the meeting room 2. The other parties (school, family, LA) are kept in separate waiting rooms 3. All parties should enter the room together, when invited to do so by the Clerk	
DC Chair	Start of hearing	Welcome all in attendance and outline the meeting rules, including:	

³ NGA Goldline email 16/11/2023

		<p>4. Mobile phones must be switched off</p> <p>5. If a recording is proposed, all parties must agree, and it must be deleted as soon as the minutes are completed</p> <p>6. Be courteous, polite and respectful at all times</p> <p>7. Questions will be directed through the Chair</p> <p>8. The Committee uses the civil standard of proof 'balance of probabilities', rather than criminal standard 'beyond reasonable doubt'</p> <p>9. If additional documents have been submitted very late, or at the meeting, the committee may decide to adjourn the meeting to view the information, or decide to postpone the meeting until a later date (if there is not enough time to digest the information)</p> <p>10. Ask everyone to introduce themselves and clarify how they prefer to be addressed</p>	
DC Chair	During the hearing	<p>Whilst sufficient time should be given to allow for all parties to speak and have their views properly heard, it is reasonable for the Chair to intervene and move the meeting on if they think that it is necessary and in the interests of all concerned.</p> <p>If any party of the meeting leaves the room for any reason the meeting must be adjourned and no discussion may take place between any parties. The Clerk must remain in the room at all times to ensure procedure is maintained.</p>	
LA officer/ Virtual School Head and Social Worker	As per the agenda, if present	<p>The LA(s) may send a representative. They:</p> <p>11. Cannot express views on the merits of the particular suspension/exclusion</p> <p>With the permission of the Chair they:</p> <p>12. May explain how other schools in the authority have handled similar cases</p> <p>13. Draw the attention of the committee to issues where there is a lack of clarity, more information may be needed, or the guidance appears to have been ignored</p> <p>14. Can give parents advice about the process, including what would happen next if the exclusion is upheld</p> <p>15. Support the Clerk in answering any procedural questions with the DCM</p>	
DC	Questioning the pupil	<p>Care should be taken when asking pupils questions, if they are present, and parental consent MUST have been granted. They should be open, non-leading questions, sensitively considered.</p>	
DC	End of hearing	<p>16. Ascertain how the pupil is doing since the suspension/exclusion. If at a new school, how have they settled in?</p> <p>17. Check all parties feel they have been given sufficient opportunity to state their case</p> <p>18. Thank all parties for attendance</p> <p>19. All parties should leave the room together, accompanied by the Clerk (Clerk then returns to the room for the deliberations)</p>	

		20. Clerk must make a record of the discussion which should state clearly how decisions have been reached	
Who	When	What	How
Special considerations for permanent exclusions			
DC	Review of paperwork	If the pupil is looked after or has an EHCP, schools should <u>avoid</u> permanent exclusion. The following checks should be made. 21. Has the LA's SEND team been contacted and consulted? 22. Is this exclusion a result of either unmet need, lack of provision, or to get the pupil's needs met? These are not valid reasons for exclusion. 23. If relevant, has the Virtual School Head or Social Worker been contacted and consulted? 24. Is this pupil currently on school support, but being assessed for an EHCP?	
DC	Preparation for DCM	25. Ensure that the school's SENDCo is set to attend the meeting, plus any relevant LA personnel mentioned above	
Who	When	What	How
At the DCM: making the decision			
DC	End of hearing/ Start of deliberations	Detailed, comprehensive minutes of DC deliberations which clearly identify the discussion and decision-making must be taken by the Clerk	
DC	Deliberations	When considering the evidence, the committee must be satisfied that the Principal has demonstrated that: 26. Their decision to suspend or exclude the pupil was in response to a serious breach, or persistent breaches, of the school's behaviour policy <u>AND</u> 27. Allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in school <u>BOTH</u> tests must be met in order for a suspension or exclusion to be legal	
DC	Deliberations	In addition, the committee <u>must</u> 28. Be satisfied that the suspension or exclusion was a last resort <u>AND</u> 29. Be confident from the evidence that the correct procedures have been followed throughout the process, the policies have been applied fairly, and the school has fulfilled its duties in relation to the Equalities Act 2010 <u>AND</u> 30. Be satisfied that the suspension or exclusion was lawful, reasonable and procedurally fair, taking account of the Principal's legal duties and any evidence that was presented to the committee	

DC	Deliberations	If any of these cannot be clarified, or there is doubt in the validity of the argument, the DC should reinstate the pupil	
DC	Deliberations	31.The power of the DC is limited to: 1. Declining to reinstate the pupil 2. Directing the reinstatement of the pupil, either immediately or by a particular date 32.There is no power to amend the exclusion 33.The DC may not attach conditions to any direction it may give the Principal to reinstate the pupil 34.Whatever the decision, there is a duty to give reasons	

Separate minutes will be taken of the hearing, and of the deliberation, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record. Copies of relevant papers should be kept for at least six months.

The Discipline Committee will notify, in writing, the Principal, parents, the Head of Governance at the trust, and the LA of its decision, along with reasons for its decision, without delay.

8. An independent review

If parents apply for an independent review, the academy trust will arrange for an independent panel to review the decision of the Academy Committee's Discipline Committee not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Discipline Committee of its decision to not reinstate a pupil.

The independent panel will decide one of the following:

1. Uphold the Discipline Committee's decision
2. Recommend that the Academy Committee reconsiders reinstatement. Where possible, this will be the same members from the original Discipline Committee
3. Quash the Discipline Committee's decision and direct that the Academy Committee reconsider reinstatement (only when the decision is judged to be flawed). Where possible, this will be different members from the original Discipline Committee and the Head of Governance should be consulted

9. School registers

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

1. 15 school days have passed since the parents were notified of the Discipline Committee's decision to not reinstate the pupil and no application has been made for an independent review panel, or
2. The parents have stated in writing that they will not be applying for an independent review panel

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

Where alternative provision has been made for an excluded pupil and they attend it, the codes for education off-site or dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, the 'absent' code will be used.

If an exclusion is upheld, it is the responsibility of the Principal to ensure the pupil's name is removed from the school register.²

10. Returning from a suspension

Following a suspension, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate. This is detailed in the school's Behaviour Policy.

11. Monitoring arrangements

The Principal monitors the number of suspensions every term and reports back to the Academy Committee and the trust. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

These procedures will be reviewed by the Head of Governance at least every 4 years, and sooner if changes are made to government guidance. At every review, these procedures will be shared with the Principals and the Academy Committees.

Appendix 1 Principal's Checklist

Pupil and incident details			
Name	DOB		
	Year/Tutor Group		
Date and time of incident which triggered this investigation	Today's date, if different		
The circumstances of the case	Yes	No	Notes
Has there been a serious breach or breaches of the school behaviour policy?			Reference pages/sections
Standard of proof – “on the balance of probabilities” did the pupil do what he/she is alleged to have done?			
Does the pupil's presence seriously harm or threaten to harm the education/welfare of pupils/others?			Details
Is suspension/exclusion a last resort following a wide range of other strategies that have been unsuccessful? or Is this a serious 'one off' offence?			Details Details
Is suspension/exclusion the appropriate response? 1. Has a thorough investigation been carried out? 2. Has the pupil's version of events been sought/encouraged/recorded? 3. Has the evidence been considered in the light of school policies and possible discrimination? 4. Are there any mitigating circumstances or any provocation which may be relevant (e.g. bullying, harassment etc.)? 5. Are there any aggravating circumstances which may be relevant (e.g. defiance, repetition, threats etc.)?			Details Details
If this regards an exclusion immediately following a suspension: 6. Has a distinct, additional investigation been carried out since the suspension was issued, which clearly shows what led to the decision to exclude? 7. Have you met with the pupil and the parents as a result of this additional investigation? 8. What other evidence has been considered?			Details



9. Have the views of any other external experts e.g. SEN been sought?			Details
Has a pastoral support programme been used?			
Is this student registered as School Support and if so; Has the possibility of additional support from the LA or additional agencies been explored?			
Have alternatives to exclusion been considered (e.g. restorative approach, mediation, internal exclusion)?			Details
Special considerations	Yes	No	Notes
Special educational needs and disability (SEN/D)			
Does this pupil have an EHC Plan?			
Has the SEN/D LA team been contacted?			Details
Has an emergency review been arranged?			
Have issues of SEN/D been taken into account and reasonable adjustments put in place?			Details
Looked after children			
Is this pupil looked after?			
Has the virtual head for children in care been contacted?			
Safeguarding			
Is this student subject to a child protection or a child in need plan?			
Is there a Multi -assessment referral form (MARF) for this student? What other agencies/services are involved?			Details
Is there a social worker for the student?			
External advice			
Is the pupil's home LA the same as the school's LA?			Details
Which LA officers were consulted prior to decision, if applicable?			Details
Which Excalibur personnel were consulted prior to decision, if applicable?			Details
Involving the police			
This decision lies with the Principal. A criminal investigation can proceed alongside a civil investigation concurrently. Victims of crime are entitled to contact the police directly, regardless of the Principal's decision.			
Does this incident meet the threshold for police involvement according to the staff handbook, school behaviour policy, etc?			Details



Section 5.1, pages 7-9 must be read and considered before completing the following

If you have reached a decision to suspend/exclude	
Is this a suspension or a (permanent) exclusion?	
When does it start? AM / PM	When does it end (if applicable)? AM / PM
Outline why the pupil has been suspended/excluded	
If a suspension, how many aggregate days has the pupil now been suspended this term*?	
If a suspension, what are details of the reintegration meeting: date, time, and who is invited to attend?	
If this is a suspension for more than 5 days, what alternative education has been arranged from day 6, and what are the details (e.g. start & finish times, who to report to, information about transport arrangements if relevant). If the arrangements for this provision cannot be finalised promptly, do not delay sending the letter. Replace the appropriate text with "the arrangements for suitable full-time education will be notified shortly in a further letter."	
Is this a fixed period of lunchtime suspensions?	
Your name and signature	
This form should now be passed to Admin/PA for creation of the letter to the parents.	

* See Section 4 for the definition of a term in the DfE guidance.

¹ Brighter Futures for Children 'Lawful Exclusions', March 2022

² The Key for School Governors: Excluding a pupil, 10 September 2021

³ DfE Exclusion from maintained schools, academies and pupil referral units in England, September 2023