Diocese of Chelmsford
Vine Schools Trust

Suspension and Permanent Exclusion Policy

This is a mandatory policy for all Vine schools that has been noted and implemented with no amendments by this school.

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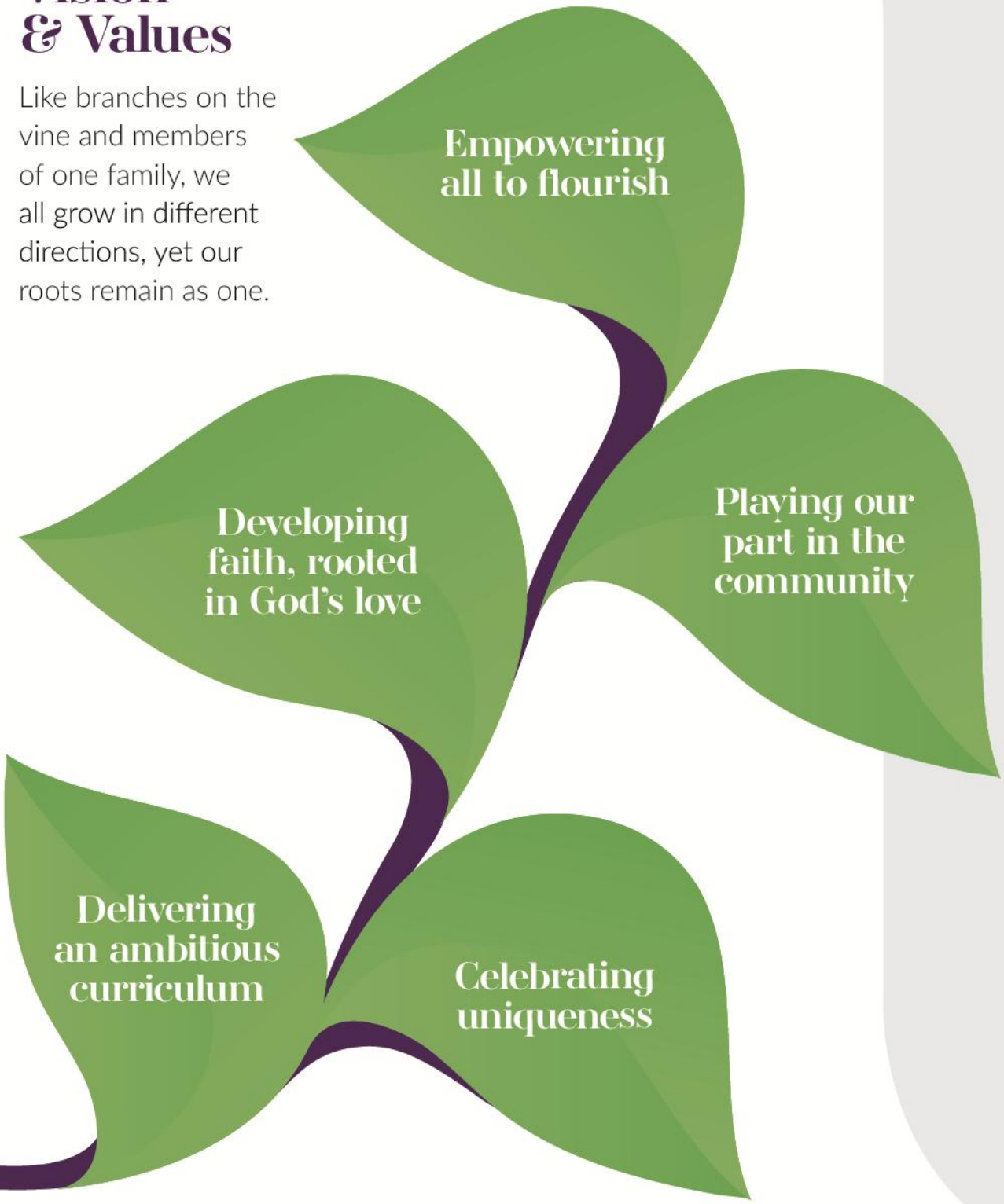
"I am the vine; you are the branches. If you remain in me and I in you, you will bear much fruit

JOHN 15:5

Vision & Values

Like branches on the vine and members of one family, we all grow in different directions, yet our roots remain as one.



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1. Aims

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

The Vines Schools Trust aims to:

- Ensure that the exclusions process is applied fairly and consistently.
- Help governors, staff, parents and pupils understand the exclusions process.
- Ensure that pupils in school are safe and happy.
- Prevent pupils from becoming NEET (not in education, employment, or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully.

A note on off-rolling

Our school is 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."

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance

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- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school

2. Legislation and statutory guidance

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

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

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
- Guidance in 2024 to reflect the School Attendance (Pupil Registration) (England) Regulations 2024. https://www.legislation.gov.uk/uksi/2024/208/made
- This guidance has been updated to be a companion piece to the https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools

  which provides advice to headteachers and school staff on implementing a behaviour policy which creates a school culture with high expectations of behaviour

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

3. Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

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'.

Off-site direction – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.

Parent – any person who has parental responsibility and any person who has taken care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

4. Roles and responsibilities

4.1 The headteacher

Deciding whether to suspend or exclude.

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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. (Appendix 5)

A decision to suspend or 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 themselves or others ie children or adults.

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 Child in care (CIC)
- Consider whether all alternative solutions have been explored, such as 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 or social worker.

Headteachers will investigate using the civil standard of proof - 'on the balance of probabilities' Headteachers will make their decisions in accordance with:

- the guidance in this policy
- their duties under The Equality Act 2010 - 'Is it lawful and fair'
- principles of administrative law - 'Is it lawful, rational, reasonable, fair and proportionate'

Headteacher's duty to inform parents

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents 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 will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil 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 (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

The headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

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- 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 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 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 the 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' consent.

Headteacher's duty to inform 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 which 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 which would result in the pupil missing a National Curriculum test or public exam

The headteacher will notify the governing board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, or removed (if directed by a first tier tribunal), including the circumstances and reasons for the cancellation or removal.

Headteacher's duty to inform the local authority (LA) and the Vine Schools Trust

The headteacher will notify the LA and the Vine Schools Trust's Head of Safeguarding or in her absence, the Assistant CEO 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.

Headteacher's duty to inform the pupil's social worker and/or virtual school head (VSH)

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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 pupils ability to sit a National Curriculum test or public exam (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 this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated

Where an exclusion is cancelled:

- The parents, governing board, LA and Head of Safeguarding will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- The notification must also provide the reason for the cancellation
- The governing board's duty to consider reinstatement21 ceases, and there is no requirement to hold a meeting to consider reinstatement
- Parents will be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay
- As referred to above, the headteacher will report to the governing board once per term on the number of cancellations
- 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

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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 such as Google Classroom or Oak Academy 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.

4.2 The School Governance Board

Considering suspensions and permanent exclusions

Responsibilities regarding exclusions are delegated to the **School Governance Board.**

The **School Governance Board** has a duty to consider parents' 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 school's governing board will provide the secretary of state and the Essex or Thurrock LA' with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the School Governance Board will ensure suitable arrangements for the full-time education for the pupils are in place. This provision will begin no later than the sixth day of the suspension.

Monitoring and analysing suspensions and exclusions data

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

The School Governance Board will consider:

- How effectively and consistently the school's behaviour and relationships policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions and their effectiveness
- 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 which 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

4.3 The local authority (LA)

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.

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

5. Considering the reinstatement of a pupil

The School Governance Board (SGB) 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 which 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

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 School Governance Board must consider any representations made by parents. This is usually in the form of an investigation and outcome letter. The SGB is not required to arrange a meeting with parents, and it cannot direct the headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, the School Governance Board will consider and decide on the reinstatement (or not) of a suspended pupil within 50 school days of receiving notice of the suspension, however, if the parents do not make representations, the board is not required to meet, and it cannot direct the headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the School Governance Board 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 School Governance Board may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

Should the School Governance Board be required to meet the following parties will be invited and allowed to make representations or share information:

- Parents, or the pupil if they are 18 or over (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
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

The SGB 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.

The School Governance Board 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, School Governance Board will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the headteacher followed their legal duties

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- 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'.

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.

The School Governance Board will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or the pupil, if they are 18 or older
- 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 School Governance Board 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' 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)
- 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 have a right to require the Vines School 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 for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That, if parents 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.

6. Independent review

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If parents apply for an independent review within the legal timeframe, the Vines School Trust will arrange for an Independent Review Panel (IRP) to review the decision of the School Governance Board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made, by the parents within 15 school days of notice being given to them by the School Governance Board 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.

A panel of 3 members will be constituted with representatives from each of the categories below. 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 governor who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teacher or headteacher during this time
- Headteacher or individual 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 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 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 academy trust, school, governing board, parents 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)

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.

Taking into account the pupil's age and understanding, the pupil or their parents 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.

Where an 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.

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.

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.

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)

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

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the 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.

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.

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

NB Governing board reinstatement meetings and IRPs can now be held via the use of remote access (for example, live video link) for suspension and permanent exclusions if requested by the parents, provided certain criteria are satisfied. Meetings held via the use of remote access should not be a default option and face to face meetings should always be encouraged. (See Appendix 6)

7. School registers

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

- 15 school days have passed since the parents were notified of the School Governance Board's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- 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, within 15 school days, the School Governance Board will wait until that review has concluded before removing a pupil's name from the register.
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.

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 with whom the pupil normally resides

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- At least 1 telephone number at which any parent 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 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(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents 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.

8. Returning from a suspension

8.1 Reintegration strategy

Following suspension, 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 (this is not exhaustive) be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Daily contact in school with a designated pastoral professional
- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents and staff of potential external support

Part-time timetables will not be used as a tool to manage behaviour but only to support a child to meet their needs 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, and other relevant parties.

8.2 Reintegration meetings

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school.

The reintegration meeting is an opportunity for the school to:

- explain to the pupil that they are getting a fresh start and that they are a valued member of the school community.

- to share the school's expectations for behaviour and school rules, which are there to support the pupil to be successful

- to discuss the support available and specific arrangements that have been put into place to enable the pupil to successfully reintegrate back into school.

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- agree with pupil, parents and school how this will be monitored and appropriate lines of communication

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

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

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

The reintegration meeting will be logged and details uploaded to the child's file on CPOMS.(see appendix 2)

9. Monitoring arrangements

The Vine Schools Trust will collect data on the following:

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

The trust level data will be reported every term by the Trust Safeguarding Lead to the Trust Board. The school level data will be reported each half term using either the Safeguarding Governor or Head Teacher safeguarding reports.

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 Vine Schools 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.

This policy will be reviewed by the Trust Safeguarding Lead every 2 years. At every review, the policy will be approved by the Trust Board and shared with schools and the school's governing boards.

10. Links with other policies

This exclusions policy is linked to our:

- Behaviour and Relationships policy
- SEN policy and information report

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Appendix 1: independent review panel training

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

Training must have covered:

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

The Vine Schools Trust subscribes to the services of School Choice who provide quality, experienced clerks to organise and clerk the Independent Review Panel. This ensures that all clerks are independent and suitably trained.

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Appendix 2: Reintegration Meeting Pro-forma

Suspension Reintegration Record of Information

Name of Parent/Carer:
Name/s of people present in meeting:
Date of contact:
Time of contact:
Contact initiated by:
NB This form must be completed, signed and scanned into CPOMs then confidentially shredded.

Nature of discussion:
Action(s) agreed (include future provision and by when):

Signed school:
Date:
Parent/Carer signature:
Copies to: Head ☐ Parent/Carer ☐
Inclusion leader ☐
Other (please specify)

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Appendix 3: Model Letters

Model Letter 1:

From Head Teacher notifying parent of a suspension of 5 days or fewer in one term, and where a public examination is not missed.

Dear **[parent's name]**

I am writing to inform you of my decision to suspend **[child's name]** for a period of **[number of days]** days. This means that he/she will not be allowed in school for this period. The suspension will start on **[date]** until the **[date].** Your child should return to school on **[date].**

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[child's name]** has not been taken lightly. **[Child's name]** has been suspended for this period because **[reason for suspension].**

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on **[specify dates]**. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

We will set work for **[child's name]** to be completed on the days specified in the previous paragraph. **[Detail the arrangements for this].** Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the Governing Board. If you wish to make representations please contact **[Name of contact]** on/at **[contact details – address, phone number, email]** as soon as possible**.** The governing board must consider any representations you wish to make but it cannot direct reinstatement and is not required to arrange a meeting with parents.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or the County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the Governing Board.

You **[and your child]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time].** If that is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You may find it useful to contact the following services who will be able to offer you free and impartial advice:

The Coram Children's Legal Centre on 0345 345 4345 www.childrenslegalcentre.com

Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time. 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.

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SEN Information Advice & Support Services Network (formerly known as the local parent partnership) on 01245 204338 https://www.essexsendiass.co.uk/

[Child's name]'s exclusion expires on **[date]** and we expect **[child's name]** to be back in school on **[date]** at **[time]**.

Yours sincerely

[Name]

Headteacher

Model Letter 2

From Head Teacher notifying parent of a suspension of more than 5 days (up to and including 15 school days) in a term.

Dear **[parent's name]**

I am writing to inform you of my decision to suspend **[child's name]** for a period of **[number of days]** days. This means that he/she will not be allowed in school for this period. The exclusion will start on **[date]** until the **[date].** Your child should return to school on **[date].**

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[child's name]** has not been taken lightly. **[Child's name]** has been suspended for this period because **[reason for suspension].**

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on **[specify dates]**. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

We will set work for **[child's name]** during the **[first 5 or specify other number as appropriate]** school days of his/her suspension **[specify the arrangements for this].** Please ensure that work set by the school is completed and returned to us promptly for marking.
From the 6th school day of the pupil's suspension **[specify date]** until the expiry of his/her suspension we will provide suitable full-time education. **[Set out alternative provision arrangements; if not ascertainable, it must be provided in a subsequent notice no later than 48 hours before the provision is due to start]**
On **[date]** he/she should attend **[give name and address of alternative provider]** at **[specify the time]** and report to **[staff members name].**
As the period of suspension is more than 5 school days in a term, you have the right to make representations to the School's Governing Board and request that my decision be reviewed. The latest date by which the Governing Board must meet is **[specify date – no later than the 50th school day after the date on which the Governing Board were notified of this exclusion].** If you wish to make representations please contact **[Name of contact]** on/at **[contact details – address, phone number, email]** as soon as possible**.** Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter at the meeting.
The Governing Board must consider reinstatement where possible. If the pupil has returned to school before the Governing Board meet, they must still place a copy of their findings on the pupil's school record.

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You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or the County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the School's Governing Board.

You may find it useful to contact the following services who will be able to offer you free and impartial advice:

The Coram Children's Legal Centre on 0345 345 4345 www.childrenslegalcentre.com

Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time. 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) on 01245 204338 https://www.essexsendiass.co.uk/

You and **[child's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time].** If that is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed

[Child's name]'s suspension expires on **[date]** and we expect **[Child's name]** to be back in school on **[date]** at **[time]**.

Yours sincerely

[Name]

Headteacher

Model Letter 3

From Head Teacher (or Teacher in Charge of a PRU) notifying parent of a suspension of more than 15 school days in one term.

Dear **[parent's name]**

I am writing to inform you of my decision to suspend **[child's name]** for a period of **[number of days]** days. This means that he/she will not be allowed in school for this period. The exclusion will start on **[date]** until the **[date].** Your child should return to school on **[date].**

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[child's name]** has not been taken lightly. **[Child's name]** has been suspended for this period because **[reason for suspension].**

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on **[specify dates]**. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

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We will set work for **[child's name]** during the **[first 5 or specify other number as appropriate]** school days of his/her suspension **[specify the arrangements for this].** Please ensure that work set by the school is completed and returned to us promptly for marking.
From the 6th school day of the pupil's suspension **[specify date]** until the expiry of his/her suspension we will provide suitable full-time education. **[Set out alternative provision arrangements; if not ascertainable, it must be provided in a subsequent notice no later than 48 hours before the provision is due to start]**
On **[date]** he/she should attend **[give name and address of alternative provider]** at **[specify the time]** and report to **[staff members name].**
As the period of this suspension is more than 15 school days in one term the school's Governing Board must meet to consider the exclusion. The latest date by which the Governing Board must meet is **[specify date – no later than the 15 school days from the date which the Governing Board were notified of this suspension].**

At the hearing you have the right to make representations to the Governing Board. If you wish to make representations and wish to be accompanied by a representative or friend, please contact **[name of contact]** on/at **[contact details – address, phone number, email]** as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the Governing Board of the time, date, and location of this meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Please inform **[contact]** if it would be helpful for you to have an interpreter at the meeting.

The Governing Board must consider reinstatement where possible. If the pupil has returned to school before the Governing Board meet, they must still place a copy of their findings on the pupil's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or the County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the Governing Body.

You and **[child's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time].** If that is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You may find it useful to contact the following services who will be able to offer you free and impartial advice:

The Coram Children's Legal Centre on 0345 345 4345 www.childrenslegalcentre.com

Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time. 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) on 01245 204338 https://www.essexsendiass.co.uk/

[Child's name]'s suspension expires on **[date]** and we expect **[child's name]** to be back in school on **[date]** at **[time]**.
Yours sincerely,

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[Name]

Headteacher

Model Letter 4

From Head Teacher notifying parent of that pupil's permanent exclusion.

Dear **[Parent's name]**

I am writing to inform you of my decision to permanently exclude **[child's name]** with effect from **[specify date]**. This means that he/she will not be allowed in this school/PRU unless he/she is reinstated by the School's Governing Board.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's name]** has not been taken lightly. **[Child's name]** has been excluded because **[reason for exclusion- include any other relevant previous history].**

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

Alternative arrangements for **[child's name]** education to continue will be made. For the first five school days of the exclusion we will set work for **[child's name]** and would ask you to ensure this work is completed and returned promptly to school for marking. From the sixth school day of the exclusion onwards – i.e from **[specify date]** the Local Authority, will provide suitable full-time education.

[Where the pupil lives in a local authority other than the excluding school's local authority]

I have also **today** informed **[name of officer]** at **[name of local authority]** of your child's exclusion and they will be in touch with you about arrangements for [his/her] education from the sixth school day of exclusion. You can contact them at **[contact details]**

As this is a permanent exclusion the school's Governing Board must meet to consider the exclusion. The latest date by which the Governing Board must meet is **[specify date – no later than the 15 school days from the date which the Governing Board were notified of this exclusion].**

At the hearing you and your child, if they are over the age of eighteen, may make representations to the Governing Board. The Governing Board can either reinstate your child immediately or on a particular date or decline reinstatement. If the reinstatement is declined, you have the right to request an Independent Review. If you do wish to make representations and wish to be accompanied by a friend or representative, please contact **[Name of contact]** on/at **[contact details – address, phone number, email]** as soon as possible.

You will be notified by the Clerk to the Governing Board of the time, date and location of this meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or the County Court (for other forms of discrimination).
Making a claim would not affect your right to make representations to the Governing Body.

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You may find it useful to contact the following services who will be able to offer you free and impartial advice:

The Coram Children's Legal Centre on 0345 345 4345 www.childrenslegalcentre.com

Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time. 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) on 03330 138913 https://www.essexsendiass.co.uk/

You may wish to contact Education Access at Essex County Council - 03330 131157 or 03330 131150.

Yours sincerely

[Name]

Headteacher

Model Letter 5

From the clerk to the Governing Board to the parent upholding the permanent exclusion.

Dear **[parent's name]**

The meeting of the Governing Board at **[school]** on **[date]** considered the decision by **[Head Teacher]** to permanently exclude your son/daughter. The Governing Board, after carefully considering the representations made and all the available evidence, has decided not to reinstate your child.

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

If you wish for this decision to be reviewed by an Independent Review Panel, please notify **[name of clerk to the review panel at the school or address of Essex County Council's Statutory Appeals Service if the school has subscribed to their services – please contact the Education Access Service prior to sending the letter to parents to confirm which you will be using - this alters the process used by parents to request an Independent Review and an additional form may be required]** of your request. You must set out the reasons for your review in writing, and, if appropriate this may also include reference to any disability discrimination claim you may wish to make. Please send this notice to by no later than **[specify the latest date – the 15th *school day* after the parents would receive this letter – weekends, bank holidays, school holidays and non-pupil days do not count]**.

The Review Panel will rehear all the facts of the case. If you have fresh evidence to present to the panel you may do so. The panel must meet no later than the 15th school day after the date on which your request for a review 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 the Governing Board's decision; recommend that the Governing Board reconsiders reinstatement; or quash the decision and direct that the Governing Board reconsiders reinstatement.

If you have not submitted your request for an Independent Review by **[repeat latest date]**, you will lose your right to do so. Please advise if you have a disability or special needs which would affect your ability to attend the

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hearing. Also please inform **[name of clerk to the review panel]** if it would be helpful for you to have an interpreter present at the hearing.

You may wish to contact Education Access at Essex County Council on either 03330 131157 or 13330 131150.

You may find it useful to contact the following services who will be able to offer you free and impartial advice:

The Coram Children's Legal Centre on 0345 345 4345 www.childrenslegalcentre.com

Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time. www.ace-ed.org.uk

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SEN Information Advice & Support Services Network (formerly known as the local parent partnership) on 01245 204338 https://www.essexsendiass.co.uk/

The arrangements currently being made for **[child's name]** education will continue.

Yours sincerely

[Name]

Clerk to the Discipline/Management Committee

Notification:

All Suspensions and Permanent Exclusions need to notified to the Local Authority as outlined in the policy. Please send the relevant information securely and use the emails and links below:

Suspensions - suspensions@essex.gov.uk

Exclusions - exclusions@essex.gov.uk

Please follow the link to the Essex Education Access Team form which needs to be completed and sent following a Permanent Exclusion:

https://schools.essex.gov.uk/pupils/Education_Access/Documents/Permanent%20Exclusion%20Notification%202022.docx

In addition please notify Michelle Keeling, Karen Jones or Becky Fairhead

Appendix 4: Exclusions Checklist for governors

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CHECKLIST FOR PANEL WHEN REVIEWING PERMANENT EXCLUSIONS Some points for members of a governing body to consider when reviewing the headteacher's decision to exclude a pupil (based on the Essex Aide Memoire for decision making)

• Did the pupil, on the balance of probabilities, commit the breach of commit the breach of the school's discipline policy of which they are accused?
• Would allowing the pupil to remain in school seriously harm the education or welfare of the pupils or others in the school
• Did the school evidence that all strategies available had been exhausted prior to the decision to exclude?
• Did the Headteacher have any alternative to exclusion?
• Is the Headteacher's decision in line with the school's published Discipline Policy?
• • Was the decision to exclude based upon a serious one-off incident or for an accumulation of offences?
• • Is the pupil defined as having Special Educational Needs? What support has been given by the school or other agencies?
• • Has the pupil been identified as having a disability? If so, has the pupil been treated less favourably than other pupils and have reasonable adjustments been made in regard to their disability?
• Was the incident provoked (for example by bullying, racial or sexual harassment)?

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• • Are you satisfied that a full and appropriate investigation was undertaken? Has the School interviewed all parties and have you cross referenced the witness statements?
• • Did the school apply the correct procedures when excluding the pupil?
• Was the pupil given the opportunity to give their version of events?

Appendix 5: Reasons for suspension or permanent exclusion.

The government trusts headteachers to use their professional judgement based on the individual circumstances of the case when considering whether to exclude a pupil.

The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion.

• Physical assault against a pupil

• Physical assault against an adult

• Verbal abuse or threatening behaviour against a pupil

• Verbal abuse or threatening behaviour against an adult

• Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy

• Bullying

• Racist abuse

• Abuse against sexual orientation or gender reassignment

• Abuse relating to disability

Appendix 6: Key principles when conducting meetings via the use of remote access

Things to consider:

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Headteachers and governing boards may advise the parent or pupil (if they are over 18 years old), within their written notification, to consider the following, before requesting a remote access meeting:

• the technology that will be used for the governing board or IRP

• Do the parent or excluded pupil (if they are over 18 years old) have an appropriate space free from other distractions to enable them to participate fully with a remote access meeting?

• Where the parent or excluded pupil (if they are over 18 years old) have limited access to the Internet, intermittent service or slower speed internet, they should not request a remote meeting for a governing board or IRP

• Where the parent or excluded pupil (if they are over 18 years old) initially ask for a meeting to be held via the use of remote access then decide to withdraw the request, they should inform the governing board or arranging authority without delay. The governing board or arranging authority should without delay, arrange the meeting to be held face to face.

It is important to note that headteachers and governing boards should not place undue pressure on the parent or excluded pupil (if they are over 18 years old) to request a meeting to be held via the use of remote access, even if doing so means that they will arrange a meeting any sooner.

Running the meeting via the use of remote access

To ensure the meeting is capable of being held fairly and transparently, the governing board or arranging authority for IRPs should make every effort to check all participants understand the proceedings and be made aware of how to raise any issues that may prevent their effective engagement. If these conditions are not met, the meeting should not be held via remote access and must be arranged face to face without delay.

Things to consider:

To help meetings run smoothly and ensure they are accessible to any participants, governing boards and IRPs should:

• provide clear instructions about how to join the meeting virtually, and distribute the joining instructions in a timely manner ahead of the meeting

• indicate a named person who parents, excluded pupils (if they are over 18 years old) or any participant should contact, if they have any questions before the meeting takes place

• consider holding a 'test meeting' with any participant to check the available technology is suitable, and that all participants understand how to access the meeting

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• ensure that the chair of governors or IRP is prepared to explain the agenda at the start and provide clear guidance on how the meeting will be run, for example:

- how participants should indicate they wish to speak
- how any 'chat' functions should be used
- whether there will be any breaks in proceedings
- how parents and excluded pupils can access advocacy services during the meeting

Things to remember:

The use of remote access does not alter other procedural requirements that apply to governing boards, arranging authorities or IRPs. For example, if a parent requests the appointment of a special educational needs expert to advise a review panel, the arranging authority must appoint one and cover the cost as normal.

Parents or excluded pupils (if they are 18 years old or older) may be joined by a friend as normal.

The governing boards and IRPs must consider written representations if they are made. The law does not allow for solely paper based 'meetings', conducted in writing.

For the purposes of which information is recorded within minutes, the normal rules apply as per this guidance, and the governing board and IRP can instruct the clerk to record any information or instructions that they deem sensible to include so that the minutes provide a clear and sufficient record of all relevant parts of the meeting, for example, how chat functions or messages will be monitored.

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