



INSPIRE MULTI-ACADEMY TRUST

EXCLUSION POLICY

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Inclusion – Improving education for everyone.

Integrity – We are consistently open, honest, ethical, and genuine.

Initiative – We have the courage to always seek a better way to a better future.

Involvement – We encourage our community to take ownership and responsibility.

Inspiration – We use our drive and commitment to energise, engage and inspire

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Revision	Date	Comments

I. Introduction and Legal Context

This policy sets out our expectations for all our academies in ensuring we are compliant with legislation governing the exclusion of pupils and in relation to our statutory duties relating to this.

It should be read in conjunction with, and **not** in place of, statutory guidance from the Department for Education (2017):

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/630073/Exclusion_from_maintained_academysacademies_and_pupil_referral_units_guidance.pdf, which provides a guide to the legislation that governs exclusions.

Statutory guidance (2017) states that only the head teacher of a academy can exclude a pupil and this must be on disciplinary grounds.

All academies must operate in accordance with the law as set out in the following:

- Section 51A of the Education Act 2002, as inserted by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- Sections 100 to 108 of the Education and Inspections Act 2006;
- Exclusion from Maintained Schools, Academies and Pupil Referral Units in England: Statutory Guidance for those with legal responsibilities in relation to exclusion (2017);
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by Regulations 2014
- The School Discipline (England) (Coronavirus) (Pupil Exclusions and Reviews) (Amendment) Regulations 2020

The law does not allow for extending a fixed period exclusion or ‘converting’ a fixed period exclusion into a permanent exclusion. If new evidence comes to light during a fixed-term exclusion, a further exclusion (fixed or permanent) may be issued starting immediately after the end of the existing exclusion.

Any decision of an academy, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful; rational; reasonable; fair and proportionate.

When establishing the facts in relation to an exclusion the head teacher must apply the civil standard of proof, i.e. ‘on the balance of probabilities’: it is more likely than not to be true. This is a lower threshold than the criminal standard of ‘beyond reasonable doubt’.

Under the [Equality Act \(2010\)](#) academies must not discriminate against, harass or victimise pupils because of their: gender, race, disability, social background, religion or belief, or sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For children with a disability, this includes a duty to make reasonable adjustments to policies and practices and adhere to the public sector equality duty.

The Headteacher and review panel must comply with their statutory duties in relation to Special Educational Needs (SEN) when administering the exclusion process. This includes having regard to the SEND Code of Practice (2015). It is unlawful to exclude for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the academy feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a pupil’s parents; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.

‘Informal’ or ‘unofficial’ exclusions, such as sending a pupil home ‘to cool off’, are unlawful, regardless of whether they occur with the agreement of parents or carers.

Any exclusion of a pupil, even for short periods of time, must be formally recorded. In particular, exclusions at lunchtime must be recorded as half-day fixed-term exclusions for statistical purposes.

Equality and Inclusion

All learners should be equally valued in academy. The Equality and Human Rights Commission (EHRC) states that “avoiding discrimination and promoting equality supports the agenda of improving attainment and progression for all pupils. Good education and skills are crucial for opening up opportunities and increasing the change of a successful life. In addition, in England, equality and diversity are specified factors that must be considered in Ofsted inspections. Academies also have wider duties to prevent discrimination, to promote equality and to foster good relations for “an equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people

value and would choose, so that everyone can flourish. An equal society recognises people's different needs, situations and goals and removes the barriers that limit what people can do and can be." (EHRC, 2014)

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

There are two types of exclusion a)

Fixed Period exclusion

b) Permanent exclusion

Fixed Period Exclusion

This is limited up to 45 days in any one academic year. The length of the exclusion will be determined by the Headteacher depending upon the severity of the offence however the law does not allow for extending a FTE. Only if further evidence is found can it be extended and then it should be used as an 'exception'. We do not use the term 'extended' but issue an additional FTE to start immediately as the first one ends. A Headteacher can issue a ½ or 1 day FTE in order to gather further evidence to decide if an additional FTE should be issued as stated above. Whilst it may be appropriate to establish issue a series of multiple short fixed periods of exclusion within one year, the aggregate exclusion not exceeding must not exceed 45 days.

Procedure for fixed period exclusion:

On the day of the offence the FTE must be issued. The child's parents/carers will be informed of the exclusion, its length and the specific reason for it and their right to make representations to the LAC. This will be communicated by letter and, if possible, always call/meet with the parents first to tell them you are issuing an exclusion by talking to the parents/carers. Parents/carers must also be told that the pupil must not be present in a public place during school hours. If a further FTE is issued then an additional notice must be given to the parents. Parents/carers will be informed in writing that they have rights to make representations to the Local Academy Committee (LAC) and Northamptonshire County Council.

The Headteacher will inform the school's LAC, the CEO of the trust and the LA of all exclusions, fixed term or permanent.

The Headteacher will make arrangements for the excluded child to receive schoolwork to do at home until he/she returns to school.

Guidance for All Staff / Parents

The following steps of support need to be offered to any child who is unable to meet the requirements set out in the school's behaviour policy.

- Parent/Class teacher communication of recurring issues in school – this may require a formal meeting.
- Home / School record book daily/weekly
- Referral to SLT (including the Headteacher)
- If inappropriate behaviour continues a meeting should be requested between parents, class teacher and SLT member/Headteacher.
- The Headteacher will monitor all potential exclusions and has sole responsibility for exercising the power to exclude a child.

Obviously, if there is a serious breach of the Behaviour Policy the Headteacher reserves the right to exclude a child immediately.

Serious misbehaviour that may result in immediate exclusion:

- Repeated refusal to carry out reasonable instructions issued by the school staff
- Physical assault of children or staff
- Carrying of weapons and threatening children / staff with these
- Verbal abuse directed at children or school staff
- Theft
- Possession or misuse of drugs or other illegal/dangerous substances/weapons
- Constant disruption to the education of other children
- Deliberate and willful damage to school property
- Regular breaches of the school's behaviour policy which results in the teacher being distracted from the task of teaching the class in order to attend to the needs of the individual child

Other circumstances may arise when the Headteacher decides it would be appropriate to exclude a child. In all cases the parents/carers of any excluded child will be fully informed of the reason(s) for exclusion.

Exclusion at Lunchtime

All parents and children should be made aware that exclusion in lunchtime is dependent on the school's ability to reasonably supervise children. If a child regularly presents behaviour difficulties which cannot be regulated by normal school sanctions the Headteacher must consider implementing lunchtime exclusion. Prior to implementing exclusions the Headteacher will warn the child and will write to the parents expressing the school's concerns.

Children who are entitled to Free School Meals will be provided with sandwiches if this is the wish of the parents.

A child will only be excluded from school **as a last resort**. Exclusion can occur as a result of a serious incident, persistent misbehaviour or a breach of criminal law. A lunchtime exclusion counts as half a day when calculating the aggregate number of exclusions

Responsibilities of the Headteacher

Only the Headteacher (or a person acting in his or her place when the HT is absent) has the power to exclude. Further references to the Headteacher will include anybody acting in his or her place. For the avoidance of doubt, this is understood to mean where another colleague is 'acting up' due to the complete unavailability of the Headteacher, **not** in circumstances where the Headteacher is merely off-site.

In considering the exclusion of a pupil, the Headteacher should ensure that the following range of activities is undertaken:

- A thorough investigation of the incident(s), with a written report;
- Consideration of all relevant facts and firm evidence to support the allegations;
- Consideration of all relevant Behaviour Policies;
- Consideration of whether an incident appeared to be provoked;
- Ensuring all pupils involved are able to provide witness statements and/or their version of events; □ Due regard to the Equality Act (2010).

Before taking the decision to exclude a pupil, the Headteacher will have evidence of a range of strategies that have been attempted, as outlined in the Behaviour Policy.

Only when all other strategies have been exhausted will the Headteacher consider exclusion, except where a one-off incident of sufficient gravity has taken place.

The Headteacher may exclude a pupil for up to 45 school days in any academic year, or permanently. The governing board (Trustees or the LAC if delegated) must meet to consider reinstatement of the pupil for: any permanent exclusion, a FTE that takes the pupil's total number of days of exclusion to 15 or more in a term, or any exclusion that would result in the pupil missing a national curriculum test or public exam. The governing board must also meet to consider reinstatement if a FTE is issued for more than five days, but less than 15, in a school term, and the parents make representations to the school/governing board. In this case, the panel must meet within 50 school days of the receipt of the notice of exclusion.

Part-time Timetables

As a rule, academies are “not permitted to place a pupil on a **part-time timetable**. In very exceptional circumstances there may be a need for a **temporary** part-time timetable to meet a pupil’s individual needs. A part-time timetable must not be treated as a long-term solution”. Timpson Review (2019)

There is “widespread lack of awareness and understanding of the law regarding exclusions...**placing challenging pupils on part-time timetables...with the remainder of time spent at home (is) also recognised as an unofficial means of exclusion.**”

Ofsted will record any information received on unlawful exclusions as part of its monitoring data on academies; “if inspectors find that a school is using part-time timetables for a student, they will ask the school to show them the time-limited plan to enable the student to be re-integrated quickly to full-time education and evidence of the plan’s success.” (Ofsted, 2014) The School Admissions Code (published by the DfE in December 2014) (issued under Section 84 of the School Standards and Framework Act 1998) states that a child is entitled to a full time place in the September following their 4th birthday. In very exceptional circumstances there may be a need for a temporary reduced timetable to meet a pupil’s individual needs. For example where a medical condition prevents a pupil from attending full-time education and a reduced timetable is considered as part of a re-integration package. A reduced timetable should only be used as a short term measure. Any pastoral support programme or other agreement must have a time limit by which point the pupil is expected to attend full time or be provided with alternative provision. In agreeing to a reduced timetable a school has agreed to a pupil being absent from school for part of the week or day and therefore must record it as an authorised absence. This reduced timetable must be reported to the LA via their online form.

Guidance from the Ofsted Inspection Handbook (2021)

232. Headteachers have the right to exclude pupils when there are legitimate reasons for them to do so. Used correctly, exclusion is a vital measure for headteachers to use. Exclusions must be legal and justified. Permanent exclusions should only be used as a last resort, in response to a serious breach or persistent breaches of the school’s behaviour policy, and when allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

233. If a school uses fixed-term and internal exclusions, inspectors will evaluate their effectiveness, including the rates, patterns and reasons for exclusion and whether any pupils are repeatedly excluded. Schools should have a strategy for reintegrating a pupil who returns to school following a fixed-term exclusion and for managing their future behaviour. Inspectors will consider how well the school is recognising and acting to address any patterns that exist, because disruptive behaviour or sudden changes in behaviour can be an indication of unmet needs or a change in another aspect of a young person’s life.

234. Inspectors will consider whether the school is developing the use of alternative strategies to exclusion and taking account of any safeguarding risks to pupils who may be excluded. Inspectors will recognise when schools are doing all that they can to support pupils at risk of exclusion, including through tenacious attempts to engage local support services.

Exclusion of a Pupil who has Special Educational Needs and/or Disabilities

Unlawful exclusion of a pupil with a disability may amount to disability discrimination under the Equality Act 2010. The SEND Code of Practice (2015) states that schools and colleges should have clear processes to support children and young people, including how they will manage the effect of any disruptive behaviour, so it does not adversely affect other pupils. The Department for Education publishes guidance on managing pupils’ mental health and behaviour difficulties in schools.

Statutory guidance (2017) states that early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. Particular regard should be paid whether disruptive behaviour is an indication of underlying social, emotional and mental health need (SEMH).

A Trust Approach to Exclusion and the Exclusion Assessment Process (EAP)

The vision for Inclusion across the Trust reiterates the InMAT mission, acknowledging that an exceptional education will provide a rich and empowering experience, which produces success through wider and academic outcomes and where 'success' is defined in terms of the individual pupil.

In consideration of statutory guidance (2017), the InMAT takes a proactive approach to exclusions, underpinned by the principles of early intervention: the **Exclusion Assessment Process (EAP)** is what drives this.

The **EAP** is a structured conversation held with the Headteacher or other Senior Leader, in order to discuss the behaviours exhibited and to understand the potential triggers to these.

During the **EAP**, the needs of the pupil are assessed and the impact of external and/or additional support evaluated.

As part of the evidence collation, the voice of the child is captured, and the Headteacher is expected to show how, despite the support that has been put in place, exclusion is the only remaining option available.

All Headteachers across the Trust support the **EAP** process and find it beneficial, in the event of an exclusion hearing. The process also supports schools in making recommendations for future practice, so that a reduction in exclusions is secured across the Trust; particularly for the most vulnerable pupils.

Level 1 EAP – 'At Risk of Permanent Exclusion' Pupils

Schools may choose to open a Level 1 EAP at any point within the school year, as part of their approach to early intervention, and where there are concerns about the behaviour(s) of any pupil;

However, once the exclusion threshold has been reached in respect of a pupil, a level 1 EAP is to be opened; The relevant threshold will be **2 fixed-term exclusions**.

The Headteacher / Inclusion lead will, within 20 school days of the threshold having been reached, undertake the EAP. However, if the cumulative number of days for which the child will have been excluded in the term is greater than 15, the EA will be undertaken within 5 school days in order for it to be available to the review panel.

Appendix 1 provides an example of a Level 1 EAP.

Level 2 EAP – Permanent Exclusion for Persistent Disruptive Behaviour

When a pupil is excluded for more than 15 school days in a term or is permanently excluded for persistent disruptive behaviour, a Level 2 EAP is undertaken. Where a Level 1 EAP is already open, this will be graduated to Level 2.

The Headteacher / Inclusion lead will, within 5 school days of notification of the permanent exclusion, undertake the EAP, so that it is ready and available for panelists at the hearing.

The Head teacher is encouraged to consult local schools and the child's Parents / Carers around a possible managed move.

Appendix 2 provides an example of additional sections included within a EAP consultation where a permanent exclusion is to be issued.

Level 3 EAP – Permanent Exclusion for a Serious One-Off Incident

When a pupil is permanently excluded for a serious one-off incident, a Level 3 EAP will be undertaken. Where a Level 1 EAP is already open, this will be graduated to Level 3.

If the EAP is to go ahead, the headteacher / inclusion lead will, within 5 school days, undertake the EAP. The 5 school days will commence from notification without an exemption.

The Headteacher should satisfy the CEO that the behaviour does not arise from a disability and that it could not have been predicted and/or prevented. In these circumstances, there will be a presumption that detailed evidence gathering in respect of interventions will not be necessary.

The Head teacher must consult local schools and the child's Parents / Carers around a possible managed move.

Format of the Assessment

In making the decision to exclude, the Headteacher must have regard to all relevant evidence, as referenced in section 3 of this policy *Responsibilities of the Headteacher*.

It follows, therefore, that most of the information covered by the EAP will be available to the Headteacher at the time that the decision is made.

This should then be submitted in a single email to the CEO inbox Gaynor.crute@inmat.org.uk together with the initiated EAP document.

Where necessary, a further email exchange or telephone call will be arranged in order to complete the assessment.

Notifications

The Headteacher **must** notify the Trust **immediately** by emailing or telephoning the CEO

- Any permanent exclusion (including where a fixed-term exclusion is followed by a separate decision to permanently exclude the pupil);
- Any exclusion which would result in the pupil being excluded, fixed term or permanent;
- Any exclusion that would bring the total number of days for which the pupil has been excluded to more than 15 school days in that term;
- Any exclusion which would result in the pupil missing a public examination or national curriculum test.

The Local Authority must also be notified of these exclusions. It is perfectly permissible for the Headteacher to notify the LA via email or on an electronic form submission.

Responsibility of Academies Following a Fixed Period Exclusion

Where pupils are excluded for fixed period up to five days, academies should take reasonable steps to set and mark work.

From the sixth day of a fixed period exclusion, alternative provision must be arranged by the academy; it is the school's duty to ensure this. Per para 45 of the national guidance, it should be noted that 'sixth day provision' is based on a consecutive period of exclusion, not the sixth day in total that term.

Academies should have a strategy for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour, so that their long-term success can be secured.

The Decision to Issue a Permanent Exclusion

As per statutory guidance (2017, pp.57); **the Headteacher must take the decision whether to exclude (this cannot be delegated, save as provided for at Section 3.1).**

Appendix 2 of this document confirms the key questions Headteacher should consider when taking the decision to exclude; these questions are required as evidence within the full EAP documentation and **must only be completed by the Headteacher**.

Permanent exclusion should:

- Only be used as a last resort, when all other reasonable approaches have been unsuccessful;
- Be in response to persistent and/or a serious one-off breach of the school's code of behaviour;

- Be implemented when allowing the pupil to remain in school would seriously harm the education or welfare of the child, other pupils or staff at the school.

Actions to Take on Issuing a Permanent Exclusion

Upon notifying the pupil and/or parent/carer of the decision to permanently exclude, the appropriate letter and, where relevant, the accompanying text message are to be sent and the permanent exclusion logged onto the school MIS. Exclusion documentation must then be prepared in readiness for the permanent exclusion hearing. A work pack or alternative educational provision must be provided, and which is to last for five school days, pending LA provision on the 6th day.

The date of the permanent exclusion hearing must be logged onto the school MIS. All information relating to the permanent exclusion should be logged within the school's MIS to ensure ease of access.

Appendix 3 provides a checklist for Headteacher, of actions to be taken, in the event of a permanent exclusion.

Permanent Exclusion Documentation for Hearings – Guidance for Academies

To ensure compliance with the letter of the law and the ethos of the InMAT approach to inclusion, academies are expected to produce evidence of documentation for scrutiny at exclusion hearings. All documentation **must** be with parents and all members of the panel, **five school days prior to the meeting**.

Suggested papers to be included are referenced in **appendix 4**: 'Exemplar Documentation for Consideration at Exclusion Hearings'.

It is not a requirement for data / evidence to be presented in a specific format. Statutory guidance (2017) does not stipulate what documentation should be included other than: "witness statements and other relevant information held by the school such as those relating to a pupil's SEN.

Attendance at Permanent / 15+ Exclusion Hearings – General Guidance for the Statutory Review Committee

When a child is excluded permanently or for more than fifteen school days in any term, a panel must meet to consider the reinstating the child.

The purpose of the exclusion hearing is for a review panel to have oversight of whether the facts are established and whether the Headteacher's decision to exclude was lawful, rational, reasonable, fair and proportionate. In preparing for a consideration of exclusion hearing, panellists, through coordination by the Clerk, if appropriate, should:

- Not discuss the exclusion with any other party;
- Ask for written evidence in advance of the meeting (including witness statements and other relevant information);
- Circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- Allow parents and pupils to be accompanied by a friend or representative;
- Make reasonable adjustments as appropriate for people attending the meeting;
- Take steps to enable the excluded pupil to attend the meeting, considering their age and understanding.

Alternatively, the panel should consider how the excluded pupil can feed in his/her views by other means; this can have been undertaken during the Pre-Exclusion Assessment, if appropriate.

It is crucial that exclusion hearings are clerked; ideally by the school's own Clerk or TGL. They act as a contact point, arranging the meeting, and collating and distributing any relevant papers in advance of the meeting and act as the panel's legal advisor on all matters related to the hearing.

At the meeting itself, the Clerk should be able to provide impartial procedural advice where necessary. The chair of the panel will also have a role in ensuring that the review is held in the correct procedural manner and will have the crucial role of mediating where necessary.

Minutes **MUST** be taken and made available to all parties on request

Permanent Exclusion Hearings

The meeting will follow a clear agenda which gives everyone an opportunity to have their say. If in attendance, the parent will have an opportunity to put forward their point of view and refer to any written representation. **The Chair of the panel must use the exclusion deliberation checklist, as per appendix 5, as trust policy.**

All panelists and the clerk **must** have regard to this checklist and are strongly encouraged to use it.

The panel's decision must be based upon the 'balance of probabilities'; that is that it is more likely than not that the child did what s/he is alleged to have done and which behaviour policies were not followed, as a result. The panel must consider the evidence for the exclusion itself, but also the personal circumstances of the excluded pupil and how their presence at academy will affect the staff and other pupils.

The panel can either:

- Decline to reinstate the child (therefore, to uphold the exclusion(s)); OR
- Direct the reinstatement of the pupil either immediately or on a specific date (as determined by the panel, if necessary in consultation with the academy)

The outcome should be noted on the pupil's educational record, along with copies of all relevant documents.

Actions to be Taken Following the Exclusion Hearing

Following the exclusion hearing, the Clerk to the panel must notify the LA and the CEO of InMAT by letter. Parents / Carers should be called and notified within 24 hours with written notification following within 5 days. The letter should be sent as soon as possible and **must** be sent within five academy days.

The clerk / head of governance **MUST** inform the LA of the outcome of the meeting as soon as possible after the decision has been notified to them.

Updating the MIS following a Permanent Exclusion Hearing

Should the permanent exclusion be upheld by the panel, the pupil **must** remain on roll for 15+2 clear *academy days*, from the date in which the letter, as at 21.2, was sent. This is to allow parents / carers the opportunity to apply for an independent review, as is their right in accordance with statutory guidance (2017).

After this date, if no application for independent review has been made, the pupil can be removed from the academy roll.

If the permanent exclusion is overturned, you **must** change the permanent exclusion on the academy's MIS to "Reinstated from permanent exclusion".

Should an application for independent review be made, the pupil **must not** be removed from the academy roll, until the date that an independent review upholds the original decision, or the date on which a re-convened panel (having been required by the independent review) declines to reinstate the child.

Attendance Considerations Linked to Permanent Exclusions

For every permanent exclusion issued, 5 days' absence will be logged.

The Local Authority is legally responsible for providing provision from the 6th day of exclusion. You **must** confirm with the LA where the provision is and whether the pupil will be placed on roll.

There are two codes that may be used for attendance; if the pupil is to be placed on dual roll, pending further provision, the pupil should be coded as 'D' (Dual – Subsidiary) and this code can be used until they come off your academy roll. DfE (2019) guidance states that the law allows for the dual registration of pupils, with the example given of those pupils who are attending a pupil referral unit.

If the pupil is immediately being placed on roll at a new provision and this is a permanent move, the pupil should be coded as 'B' (off-site educational activity) and their attendance must continue to be chased and followed up on, until they are removed from your academy roll.

The coding of attendance as 'E' should only be used when a pupil has been excluded but there is no alternative provision made for their education. Where alternative provision is made codes should be used as advised above.

Data Protection

Exclusion paperwork always contains personal information and usually contains sensitive personal information about children and others. The Trust expects a high standard of safety to apply this.

Pursuant to data protection law (the Data Protection Act 2018 and subsequent amendments), specific measures **must** be taken to protect the sensitive personal information contained in the evidence bundle and subsequent documents. The information that governors receive **must not** be shared with others (if in doubt, the clerk will advise).

Governors are also responsible for the security of the information they receive – substantive lapses might constitute a breach of the Code of Conduct.

All emails shared within the Trust (i.e. between InMAT / Head@ email accounts) **must** be marked "Protect Confidential".

The following additional steps **must** be taken to ensure the information is sufficiently protected when shared with governors, clerks and local authorities outside the InMAT directory:

- All papers relating to the exclusion shall be password-protected. Passwords will be sent in emails separate to the papers.
- If governors currently share email accounts with family members or other individuals, they are asked to set up individual email accounts for receipt of papers. Should this not be possible, the password for the papers shall be sent by means other than email (e.g. text).
- At the conclusion of proceedings, governors are asked to delete the email containing papers and any downloaded versions.
- A personal assistant (PA) is considered to be an agent of the governor and the governor is responsible for any breach of the Code of Conduct on the part of the PA.
- Governors will return any printed papers at the conclusion of the meeting for shredding. Should governors take notes during the meeting, these should be submitted to the clerk for safe-keeping.

Academies and governors **must** report any breaches of data security by notifying the academy's data protection officer (usually the Academy's Business Manager) of:

- What information has been lost, stolen, or inappropriately shared
- The circumstances of the above (i.e. time, place, cause); and
- What steps were taken to avoid the breach or to remedy it afterwards.

Independent Review Panels

If applied for by parents / carers, within the legal time frame, InMAT will, at their own expense, arrange for an independent review panel hearing to review the decision of a panel, not to reinstate a permanently excluded pupil.

The legal time frame for an application is:

Within 15 academy days of notice being given to the parents by the clerk of the panel's decision to uphold a permanent exclusion; or where an application has not been made within this time frame, within 15 academy days of the final determination of a claim of discrimination, under the Equality Act (2010), in relation to the exclusion.

If requested by parents / carers in their application for an independent review panel, InMAT must appoint a SEN expert to attend the panel and cover the associated costs of this appointment.

The SEN expert's role is that of an expert witness, who provides impartial advice to the panel on how the special educational needs of the pupil might be relevant to the exclusion, for example, whether the academy acted reasonably in relation to its legal duties when excluding the pupil.

Parents / carers have a right to request the attendance of an SEN expert at a review, regardless of whether the academy recognises that their child has SEN.

The role of the panel is to review the original panel's decision not to reinstate a permanently excluded pupil, which will include oversight of the circumstances of the exclusion itself.

In reviewing the decision, the panel must consider the interest and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the academy.

The panel must apply the civil standard of proof, (i.e. 'on the balance of probabilities' it is more likely than not a fact is true) rather than the criminal standard of 'beyond reasonable doubt'. Following its review, the panel can decide to:

- Uphold the exclusion decision;
- Recommend that the Trust reconsiders the decision; or
- Quash the decision and direct that the Trust considers the exclusion again.

An independent review panel does not have the power to direct the Trust to reinstate an excluded pupil. However, where an independent review panel decides that the Trust's decision is flawed, when considered in the light of the Headteacher applicable on application for judicial review, it can direct it to *reconsider* its decision.

Special Circumstances

Exclusions, and the behaviour giving rise to them, often present complex and challenging issues. It is not possible for guidance to cover all eventualities. For example, this document does not deal directly with rare circumstances such as:

- The results of investigations underway during a fixed term exclusion;
- Withdrawing an exclusion;
- Requests by parents for a review before the statutory threshold;
- A Headteacher being unavailable to present his or her case for a permanent or 15+ exclusion; □
Police investigations related to an exclusion.

Appendix I – Exclusion Assessment Process Level I

Exclusion Assessment – Level I
Name of Academy:
Date EAP Opened by Academy:

Name of pupil		Year group		
Date of entry to the Academy		Date 1 st issue recorded		
Ethnic Group		EAL	Y	N
SEND needs		CLA	Y	N
SEND Category		Pupil Premium	Y	N

Details of Fixed Term Exclusion

Date	Duration	Details

Details of External Support

Name	Agency	Date last involved	Reasons / Outcome	Still Involved?	Date of next visit

School Based Interventions and Strategies

Date	Duration	Reason	Impact

Details of Documentation to support the child's individual needs

Documentation	Date of 1 st Doc.	Date of 2 nd Doc	Date of 3 rd Doc
Support Plan (SEN)			
Risk Assessment			
Positive Handling Plan and support Intervention plan			
Individual timetabling arrangements			
Meeting with parents / carers to discuss child's behaviour and next steps.			

Exclusion Assessment – Level 1 Voice of the Child:

Questions for the Safeguarding Lead/Pastoral Lead to ask the Pupil: Suggested questions are given below but Safeguarding Lead should not be restricted by them, nor is this list complete; it is important that in accordance with the guidance from the DfE, we obtain as much information as the pupil is willing to share. Questions should be tempered as needed.

“The decision to exclude a pupil must be lawful, reasonable and fair... Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion... Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion.”

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

- 1) **What do you like about school?**
- 2) **Are you happy when you are here?**
- 3) **Can you describe a time when you have not been happy and what happened?**
- 4) **When you get angry, what do you do?**
- 5) **And how do the teachers try to help you?**
- 6) **Is there anything the teachers could do better to help you when you are angry?**
- 7) **Can you remember the last time you were excluded from school?**
- 8) **When was it? Can you remember how many days you were at home?**
- 9) **When you were at home, what work did you have to do?**
- 10) **When did this work get marked?**
- 11) **Can you remember a time when you have been excluded for more than a week? ¹²⁾ When was this? Did you have lessons in a different place or did a teacher come out to teach you?**

Voice of the Child Date:

Voice of the Child Date:

Voice of the Child Date:

Exclusion Assessment Process - Level I

Voice of the Parent / Carer – please record details of any relevant parental liaison including communication with regards to exclusions and reintegration.

VOP Date

VOP Date

VOP Date

Exclusion Assessment – Level I

Exclusion Assessment Review date and Recommendations:

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Exclusion Assessment Review date and Recommendations:

Exclusion Assessment Review date and Recommendations:

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Appendix 2 – Additional Exclusion Assessment information for Permanent Exclusion Hearings

Questions	Yes / No	Supporting Commentary as Evidence of Actions Taken
Have I investigated specific incidents with all parties in a sensitive and fair way?		
Have I considered factors that could have contributed to the pupil's behaviour (e.g. SEND or bereavement) and have I taken these factors sufficiently into account?		
Is exclusion the most appropriate and reasonable sanction, and consistent with the academy's behaviour policy?		
Are all the exclusion reasons clearly recorded, including the impact on others? Are they robust?		

Is relevant evidence properly recorded / retained / documented? (E.g. summaries of interviews, past behaviour and support given)		
Have I spoken to the parents to ensure they fully understand the type / scale of the incident?		