



CARLTON
ACADEMY TRUST

Carlton Academy Trust Suspension and Exclusions Policy

Approved on behalf of Trustees:

Gareth Logan

Date:

June 2023

Next Review Date:

August 2024



Section One: Exclusion Guidelines and Protocols

Policy Statement, Aims and Scope

Carlton Academy Trust is committed to outstanding educational outcomes, with the establishment and maintenance of outstanding standards of student behaviour and conduct critical to their achievement. Suspensions and Exclusions are two means by which schools can uphold these high standards and are made only after careful consideration and accordance with statutory guidance.

Legislative Framework

Suspensions or Exclusions may only be made by the HOS for disciplinary reasons, which includes behaviour out of school. They must be rational, reasonable, fair, and proportionate, with schools fully informing parents when and why they have been used. In deciding whether to suspend/exclude, the civil 'balance of probabilities' standard should be applied.

Exclusions must follow the provisions of the Public Sector Equality Duty in not discriminating according to any protected characteristic, while schools must ensure that their policies and practice do not discriminate against students by unfairly increasing their risk of exclusion. Schools must comply with their statutory SEND duties and must not exclude a student simply because they have additional needs or a disability that the school feels it is unable to meet.

Duration

A student may be:

- Suspended for one or more fixed-term periods up to a maximum of 45 school days in a single academic year. A fixed-term suspension does not have to be for a continuous period and can be for part of the school day, for example lunchtimes.

Or

- Excluded on a permanent basis.

Suspensions cannot be converted into Exclusions. However, in exceptional cases where further evidence has been discovered, a further suspension or exclusion may be issued to begin immediately after the first fixed-term suspension ends. Where occurring, parents must receive separate notification explaining why the decision to permanently exclude the student has been made.

Schools must not use 'informal' or 'unofficial' exclusions, such as sending a student home 'to cool off' which are unlawful regardless of whether they have been agreed with parents.

All suspensions or exclusions must be formally recorded.

Factors to Consider Before Making an Exclusion

The HOS should take account of any contributing factors such as bereavement, mental health issues or bullying. Where a student has multiple exclusions or is approaching the legal limit of 45 school days in an academic year, HOS should consider whether exclusions are providing an effective sanction.

Persistent disruptive behaviour may be an indication of unmet needs. When a school has concerns, it should try to identify any causal factors and make an early intervention to help reduce the chances of recurrence. A multi-agency assessment may be appropriate in these circumstances.



Exclusions

Exclusions should be made as a last resort in response to a single serious breach or persistent serious breaches of the school's behaviour policy, where allowing the student to remain in school would create significant harm to the education or welfare of them or other students. A list of non-exhaustive examples include:

- Serious actual or threatened violence against another student or member of staff
- Sexual or racial assault
- Supplying or using an illegal drug
- Carrying an offensive weapon

Duty to Inform

To ensure a student receives the appropriate support and protection during suspension or exclusion, it is important that those responsible for their care are promptly informed when exclusions occur or there is a risk of them occurring:

Informing Parents

The HOS must immediately inform parents, ideally in person or via telephone call, as this provides parents with an opportunity to ask questions or raise concerns. This responsibility may be delegated to another senior member of staff.

This must be followed by formal written notification which can be delivered in person or leaving or posting it to their usual or last home address. Notices can be sent electronically if parents have provided consent for this. Formal notification should be written in simple, accessible language and provide the following:

- Reason(s)
- Length of suspension or the decision to exclude.
- Their rights of appeal and how to do this.
- Their right to have professional representation at exclusion appeal hearings or be accompanied by a friend.
- Their legal duty to ensure their child must not be present in a public place during school hours for the duration of the suspension or exclusion.
- Their right to request an appeal meeting be held remotely and how and to whom to make this request.

Social Workers and VSH

VSH and social workers must immediately be informed of any suspension or exclusion for any child under their care. This must include length, reason and arrangements for the exclusion appeals hearing.

Trustees

The HOS must inform, without undue delay, the link Trustee with responsibility for pastoral care of:

- Any exclusion
- Any suspension which would result in a pupil being suspended for more than five school days (or more than ten lunchtimes) in one term.
- Any suspension or exclusion which would result in the pupil missing a public examination or national curriculum test.



HOS must also report any other suspensions or exclusions, which are reported to Trustees at termly Trust Standards meetings by the Director of Pastoral.

LA

The LA must be informed without delay of all suspensions and exclusions, being provided with details of duration and reasons.

Where an excluded student lives outside the LA area in which the school is located, the HOS must also notify the student's 'home authority'.

Cancelling Exclusions

The Head of School can cancel any exclusion that has already begun or one that has not yet begun, before Trustees have met to consider reinstatement.

Where occurring, the HOS must notify the following parties without delay, outlining reasons for the cancellation:

- Parents
- LA
- VSH or social worker (where appropriate)

Parents should be offered, without delay, the opportunity to meet the HOS to discuss the circumstances that led to the exclusion being cancelled.

The student must be allowed back into school without delay, with any days spent out of school excluded prior to the cancellation counting towards the maximum of forty-five excluded school days in any school year.

Sixth Day Alternative Provision

Schools and LA's play an important role in ensuring that students who have been excluded receive a suitable education that facilitates their successful re-integration into education or meets their long-term needs. Therefore, where a suspension is longer than five consecutive school days, the school must arrange suitable full-time education (Alternative Provision) to start no later than the sixth school day of the suspension.

When a student is excluded, the LA will arrange this provision. This will be in the same authority area, or their 'home' local authority when they live out of the schools LA area.

Parents/carers must be informed in writing of the starting date for Alternative Provision, timings of the day, address, and who the student should report to on the first day. This information may be included in the initial suspension/exclusion letter or within a later communication without undue delay, and always 48 hours before the provision is due to start. The exception to this is where alternative provision is provided before the sixth day of a suspension/exclusion, where the 48-hour requirement may be waived with the agreement of parents/carers.

Education Prior to the Sixth Day of Exclusion

It is important for schools to minimise the disruption that suspension or exclusion can cause to a child's education. Whilst the statutory duty is to arrange full-time education from the sixth day, there is an obvious benefit in starting this provision as soon as practicable.



This is even more important in the case of LAC or child with a social worker, and where practicable the school should work with the LA to arrange alternative provision from the first day following suspension or exclusion.

Where it is not possible or appropriate to arrange alternative provision during the first five school days of a suspension or exclusion, the school should take reasonable steps to set and mark work.

Re-Integrating Suspended Students

The school must prepare a strategy for effectively reintegrating a student following suspension, which is discussed and agreed with parents during a re-integration meeting. Features of the agreed strategy may include behaviour contracts, student reports, phased returns, re-integration units, Pastoral Intervention and Support Plans.

Examinations or Tests

Where a public examination or national curriculum test could be missed due to a suspension or exclusion, Trustees should decide if the student can sit the examination or test. In doing so, they should consider the interests and circumstances of the excluded student, circumstances of the exclusion, and the interests of other students and staff at the school. Where it is not possible for Trustees to meet, the Chair of Trustees will be delegated this responsibility.



Section Two: Exclusion Appeals

Trustees have a duty to review suspensions or exclusions under the following circumstances:

- When a student is excluded.
- When a student is suspended for more than 15 days in a term.
- Where a suspension or exclusion would result in missing a public examination or national curriculum test.

Note: When a suspension is between 6 and 14 days, Trustees must hear the appeal within 50 school days.

Exclusion Appeal Hearings

Hearings should allow the attendance and representations of:

- Parents
- HOS or another senior leader.
- Excluded student.

Any evidence to be considered at the hearing should be exchanged at least five school days prior to the meeting.

The hearing will decide whether to uphold or overturn the original decision to exclude based on a 'balance of probabilities basis. Decisions must be formally communicated in writing within three school days to all parties and LA.

The notification will also formally outline parents' rights to request the decision be reviewed by an IRP, supplying relevant information to facilitate this as follows:

- Who the appeal should be made/addressed to.
- Grounds for appeal.
- Deadline for appeals (within 15 days of notification of the decision).
- Requesting parents to state how the student's SEND needs may be relevant to the exclusion.
- The right of parents to request the school appoint a SEND expert to attend the review (at no personal cost), irrespective of whether the excluded student has Special Needs.
- Outline the role of the SEND expert.
- Right to appoint someone (at their expense) to make written/oral representations at the hearing.
- Their right to be accompanied by a friend.
- That where they feel the exclusion occurred as a result of discrimination, they can make a claim under the Equality Act 2010 to the First-Tier (Special Educational Needs and Disability) Tribunal in the case of disability discrimination, or the County Court in other cases, and that claims should be made within six months of the date on which the discrimination is alleged to have taken place (student excluded).

Clear and accurate meeting minutes must be taken, and be made available to all parties upon request, with the outcome formally recorded on the student's educational record.



IRP's

These will be organised at the schools' expense and must be made within 15-school days of formal notification being received of the Trustees decision not to reinstate. It must be held at a time and location convenient for all.

Constitution

Three people constitute IRP panels, as follows:

Chair: A lay member who has not worked in any school in a paid capacity, except any experience as a school governor/Trustee or volunteer.

School Trustee/Governor: who has served as a Trustee/governor for at least twelve consecutive months in the last five years, provided they have not been a teacher during this time.

HOS/Headteacher/Principal: Ideally, their experience should reflect the education phase of the student and occupied this role within the last five years.

A person may not serve on the panel if they:

- Are a Trustee, Member or governor of the excluding school/Trust.
- Are HOS of the excluding school or held this position in the last 5 years.
- Are an employee of the school/Trust or at any time have had any connection with the school/Trust which might reasonably raise doubts about their impartiality

Responsibilities of IRP Panel Members

Panel members must consider the interests and circumstances of the excluded student, circumstances of the exclusion, as well as the interests of other students and staff at the school.

Decisions will be made on the 'Balance of Probabilities' basis with three possible outcomes:

- Uphold the decision.
- Recommend the school reconsiders re-instatement.
- Quash the decision and direct Trustees to consider reinstatement.

In evaluating the original decision, they must apply the following tests:

- **Illegality:** Did the school act outside the scope of its legal powers in deciding the student should not be reinstated.
- **Irrationality:** Did the school rely on irrelevant points, fail to take account of all relevant points, or make a decision so unreasonable that no governing board acting reasonably in such circumstances could have made it.
- **Procedural Impropriety:** Was the original decision so procedurally unfair or flawed that justice was clearly not done. This means not simply a minor breach of procedure, but something more substantive that had a significant impact on the quality of the decision-making process.

Meeting Clerk

A Clerk will be appointed to oversee the appeal, who must not have attended the initial school appeal hearing. The clerk should also have an up-to-date understanding of legislation relating to exclusions.

Responsibilities of the Clerk:

- Introduce all parties and their role within the meeting.
- Inform all parties of their rights within the meeting.
- Determine whether the student is attending, and if not make clear to them and their parents that they may provide a written statement representing their views.
- Decide whether it is appropriate for the alleged victim/s wishes to attend the review. This may be in person or written statement, as appropriate.
- Distribute relevant papers to all parties within five school days of the meeting (wherever possible).
- Forward relevant documents, including the Trustees decision, any policies, or documents they considered in making the decision, and parents IRP appeal letter. New evidence may be presented, but this cannot include new reasons justifying the exclusion.
- Confirm the principle that students are entitled to know the full reasons for their exclusion.
- Take full and accurate meeting minutes.

Notification of an IRP Decision

The panel must send written notification of the decision to all parties within 3 school days outlining:

- The panel's decision and reasons for it.
- Details of any payment to be made if Trustees subsequently do not reinstate a student (where relevant)
- Information that the panel has directed Trustees to place on the student's educational record (where relevant).

Trustees Duty to Consider a Reinstatement Following a Review

When an IRP recommends a student should be reinstated, Trustees must meet to review this recommendation within ten school days, fully considering the reasons for the IRP's decision.

In doing this, Trustees may decide to ignore a recommendation and uphold the original decision. Where this occurs, the school/Trust must formally notify parents and LA in writing without delay, outlining reasons for their decision.

Parental Requests for Remote Access Trustee Exclusion Hearings or IRP's

Parents can request both meetings be held via remote access. They must be informed of this right in the meeting notification letter.

Schools must not place undue pressure on parents to request a remote meeting, even if doing so means it will be arranged sooner.

Where a parent does not request a meeting or does not state a preference, the Trustees/IRP must hold the meeting in person unless not practicable due to extraordinary or unforeseen circumstances such as school closure, floods, fire, outbreak of infectious illness/disease.

Where a parent withdraws a remote access request, they should immediately inform the Trustees or IRP, who will then arrange a face-to-face meeting without delay.



Holding Remote Meetings with Fairness and Transparency

Meetings must only be held remotely where Trustees/IRP are satisfied it can be held fairly and transparently. If not, Trustees or IRP should consult with the parents to discuss how a face-to-face meeting can be arranged that will be convenient for them.

The following should be considered to ensure fairness and transparency:

- Whether technology to be used is reliable and appropriate for the meeting.
- Do parents have an appropriate space free from distractions to enable them to fully participate in the meeting.
- Do parents/other attendees have limited access to the internet, intermittent service, or slow speed internet. If so, their request should not be granted.
- All participants understand the proceedings and how to raise any issues that prevent their effective engagement.
- All participants can fully communicate their views or fulfil their function.

Meeting Management

To help meetings run smoothly and ensure they are accessible to all attendees, the Trustees/IRP should:

- Provide clear instructions about how to join the meeting, distributing joining instructions in a timely manner ahead of the meeting.
- Indicate a named person who parents or any participant can contact if they have any questions before the meeting.
- Consider holding a 'test' meeting with any participant to check that technology is suitable, and all participants know how to access the meeting.
- Ensure the Chair of the meeting explains the agenda at the start of the meeting, offering clear guidance on how the meeting will be managed. This will include how participants indicate they wish to speak; how to use any 'chat' functions; any breaks in proceedings; how parents can access advocacy services during the meeting.

Statutory Requirements

The use of remote access does not modify the following statutory requirements:

- Trustees must meet with 15 days of formal notification being sent to parents informing them of the suspension or permanent exclusion.
- The Trust must make reasonable steps to identify a date for the review that all parties, and any SEN expert appointed to give advice, may attend.
- Where parents request the attendance of an SEN expert, they must be appointed at no cost to them.
- A friend may accompany parents to the hearing.
- Trustees or IRP must consider written representations where they are made.
- To make a full record of the meeting through the taking of minutes. They may record any information or instructions deemed appropriate, so that the minutes provide a clear and sufficient record of all relevant parts of the meeting, such as chat functions or messages.



Other

Technological Problems: If there are technological issues which compromise the ability of participants to be seen/heard or the meeting to be held fairly and transparently (and not reasonably practicable to resolve) a face-to-face meeting must be arranged without delay.

Social workers and VSHs: Must be allowed to join a meeting via remote access, regardless of format, providing Trustees/IRP are satisfied that they will be able to participate effectively, be seen/heard, and not compromise meeting fairness and transparency.

Extraordinary Events or Unforeseen Circumstances

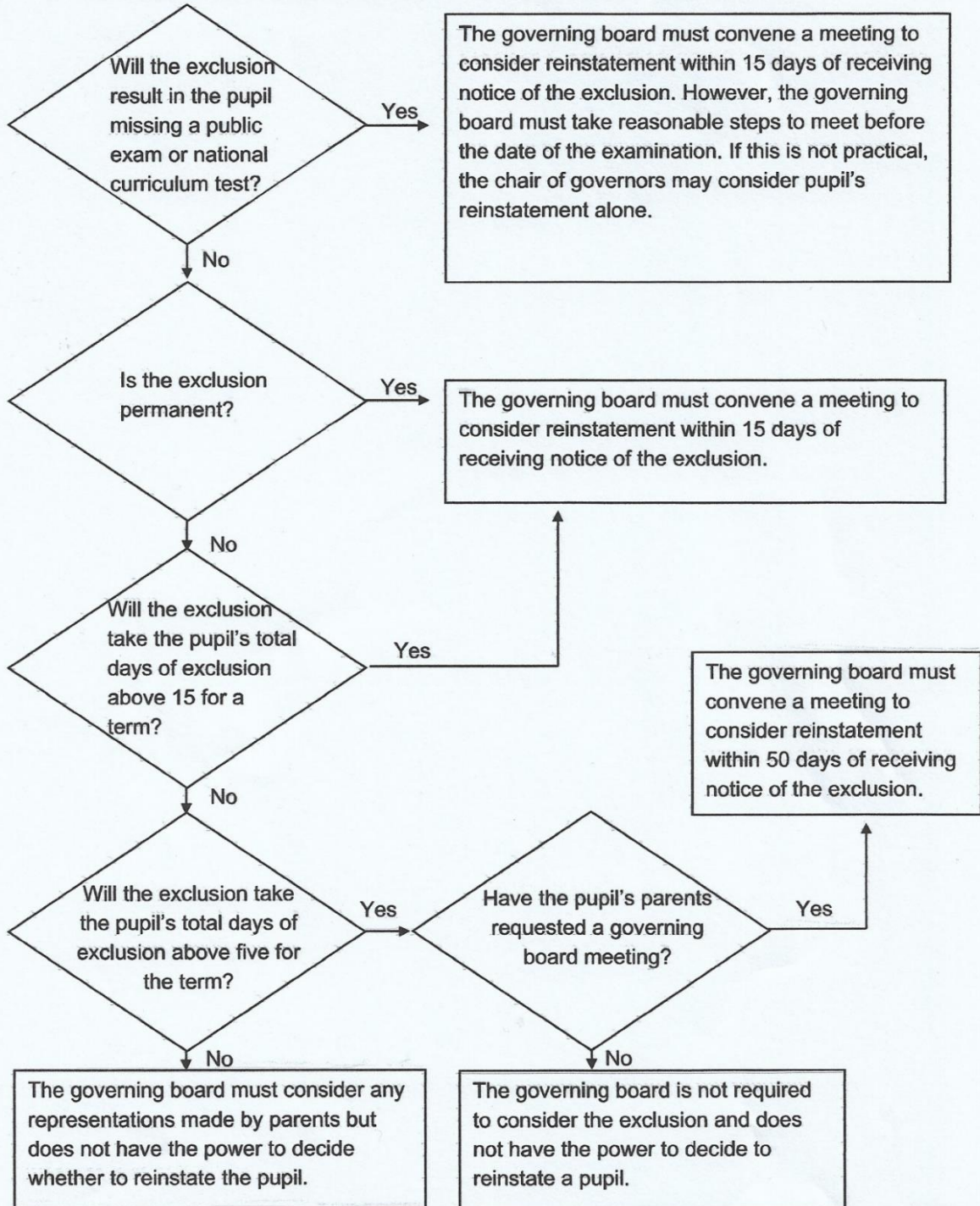
These include school closures, floods, fires, outbreaks of infectious illness/disease. Where occurring, the meeting may be held remotely, providing Trustees/IRP are satisfied that all participants will be able to fully make representations and conduct their functions, can be seen/heard throughout the meeting, and the meeting is held with fairness and transparency.

Glossary of Terms

HOS:	Head of School
IRP:	Independent Review Panel
LA:	Local Authority
LAC:	Looked After Child (child in LA care)
Parents:	Umbrella term also including carers
SEND:	Special Educational Needs or Disabilities
VSH:	Virtual School Head



Annex A – A summary of the governing board’s duties to review the head teacher’s exclusion decision



The governing board may delegate its functions to consider an exclusion to a designated committee. References to days mean 'school days'.