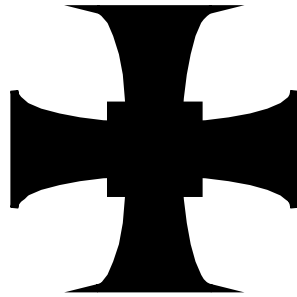


TRINITY SCHOOL CARLISLE



A CHURCH OF ENGLAND ACADEMY

SUSPENSION AND PERMANENT EXCLUSION POLICY

Pastoral Committee

Reviewed: September 2022

Approved by the Pastoral Committee: November 2022

Ratified by the Full Governing Body: December 2022

Next review: September 2024

REVIEW SHEET

| Version Number | Version Description | Date of Revision |
|----------------|--|------------------|
| 1 | Revisions as part of routine review. Policy to be read in conjunction with Exclusion Policy Addendum (V1) Sept 2020 | October 2020 |
| 2 | Policy to be read in conjunction with Exclusion Policy Addendum (V3) September 2021 | September 2021 |
| 3 | Minor update to make temporary reference to the COVID-19 pandemic into a permanent reference to any public health emergency that impacts on a Governing Board's ability to meet to discharge their legal duties on exclusion. Addendum 3 has been removed. | September 2021 |
| 4 | Significant legal updates that schools must take account of when setting out the Governing Body's' Policy and procedures related to permanent exclusion, suspension rather than fixed term exclusion, off-site direction, and managed moves. Significant updates to language and terminology regarding reasons and the process with new or significantly updated sections including the process, re-instatement, re-integration, appealing, off-rolling, and making a complaint. | September 2022 |
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1. Policy Statement – INTRODUCTION

Trinity School is an inclusive school which aims to promote equality in all aspects of school life. We take a positive approach to encouraging good behaviour but also recognise that good discipline in our school is essential to ensure all students can benefit from the educational opportunities we provide.

The government supports Headteachers in using suspension, direction off-site, managed moves, and permanent exclusion as essential behaviour management tools when warranted as part of creating and a calm, safe, and supportive environment in which all pupils can learn and thrive. This means that suspension or permanent exclusion is sometimes a necessary last resort of our system, where it is accepted that not all pupil behaviour can be changed by pastoral processes, or consequences in school.

We recognise our responsibility to communicate clearly to pupils, staff, and parents, our behaviour expectations, and the responsibility of all individuals working with pupils to ensure that no suspension or exclusion will be initiated without first exhausting other strategies, or in the case of a serious incident, a thorough investigation. Information about this Policy and procedures is included in the induction process for new admissions to school, is published on the school website, and a copy can be obtained by contacting the Clerk to the Governors, Mrs Minns, email clerk@trinity.cumbria.sch.uk.

Whilst suspension or exclusion may be an appropriate sanction, our Headteacher will investigate whether any contributing factors may have led to the incident/s of poor behaviour e.g. bereavement, mental health issues, or bullying. We have a range of policies and procedures in place to promote good behaviour and appropriate conduct, we take steps to access local support services like Inclusion Support Officers and Early Help Services, and we strive to foster good parental engagement. For more information about the strategies we use and resources available to help us manage behaviour, please see our Expectations for Learning Behaviour Policy and procedures.

This Policy describes the arrangements and procedures for suspending or permanently excluding a pupil from school on disciplinary grounds and is in line with the 2022 statutory guidance [Suspension and permanent exclusion from schools including pupil movement](#). It should be read in conjunction with the school's Expectations for Learning Behaviour Policy which sets out in more detail the disciplinary grounds that may lead to suspension or exclusion and others where relevant.

During a local or national emergency which significantly impacts on the ability of our Governing Body to meet to discharge their legal duties regarding suspensions and exclusions, an Addendum to this Suspension and Exclusion Policy may become necessary and we will follow relevant Department for Education (DfE) statutory guidance in place at that time to devise it. It will describe any temporary changes made to our school suspension or exclusion process due to the emergency and must be read in conjunction with this Policy.

Policy Definitions

| | |
|-----------------------------------|--|
| Parent | A child's birth parents or anyone who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives (Education Act 1996). Where possible, all those with parental responsibility will be involved in the suspension or exclusion process. |
| Relevant person | The parent (or the pupil if aged 18 or over) that this school has legal obligations to under The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 . |
| Term | The autumn, spring, or summer terms of the academic year. |
| Academic year | Our academic year beginning with the first day of school after 31 July and ending with the first day of school after the following 31 July. |
| Suspension | "exclusion (from school) for a fixed period" ¹ for a pupil for one or more fixed periods of time up to a maximum of 45 school days in a single academic year. |
| Permanent exclusion | When a pupil is no longer allowed to attend a school (unless the pupil is reinstated) ¹ . |
| Managed move | A voluntary process which leads to the transfer of a pupil to another mainstream school permanently. |
| Off-site direction | When the Governing Body of a maintained school requires a pupil to attend another education setting to improve their behaviour. The board of trustees of an academy or multi-academy trust, not included in the legislation, can also use 'off-site direction'. |
| Alternative Provision (AP) | Suitable full-time education arranged for a pupil from the sixth school day (or earlier) of a suspension or the sixth school day (or earlier) after the first day of a permanent exclusion under s100 of the Education and Inspections Act 2006 OR Education arranged for pupils who are unable to attend a mainstream or special school and who are not educated at home, whether for behavioural, health, or other reasons. Either can include Pupil Referral Units (PRUs), AP academies and free schools, and hospital schools, or independent, registered, unregistered, and further education settings. |

2. Reasons for Suspension or Permanent Exclusion

Only the Headteacher of this school can suspend or permanently exclude a pupil on disciplinary grounds. We use suspension to clearly signal what is unacceptable behaviour in line with our Expectations for Learning Behaviour Policy to show a pupil that their current behaviour is putting them at risk of permanent exclusion.

The decision to suspend or permanently exclude a pupil will only be taken:

- in response to a serious breach or persistent breaches of our Behaviour Policy, or
- where allowing the pupil to remain in school would seriously harm the education or welfare of other people or the pupil themselves in the school.

While the following is not a definitive list, examples of the types of circumstances that may warrant a suspension or permanent exclusion include:

Abuse – sexual orient & Gen identity/reassignment

Abuse Relating to Disability

Bullying – verbal/homophobic bullying/physical/racist bullying

Damage – vandalism/graffiti/arson

Drug and Alcohol related – possession of illegal drugs/drug dealing/alcohol abuse/inappropriate use of prescribed drugs//smoking/vaping/substance abuse

Inappropriate use Online Tech

Persistent Disruptive Behaviour – challenging behaviour/persistent violation of school rules/disobedience

Physical Assault against adult: violent behaviour/obstruction and jostling/wounding

Physical Assault against pupil – fighting/wounding/violent behaviour/obstruction and jostling

Racist Abuse – racist taunting and harassment/racist bullying/swearing that can be attributed to racist characteristics/derogatory racist statements/racist graffiti

Sexual Misconduct – sexual abuse/sexual harassment/sexual bullying/sexual assault/ lewd behaviour/sexual graffiti

Theft – stealing school property/selling and dealing in stolen property/stealing personal property (pupil or adult)/stealing from local shops on a school outing

Use/Threat – Offensive Weapon

Verbal abuse/threatening behaviour against adult – threatened violence/swearing/intimidation/aggressive behaviour/homophobic abuse and harassment/carrying an offensive weapon

Verbal abuse/threatening behaviour against pupil – threatened violence/swearing/ verbal intimidation/aggressive behaviour/homophobic abuse and harassment/carrying an offensive weapon

Wilful and repeated transgression of protective measures to protect public health

A student is most likely to be at risk of permanent exclusion for the following reasons:

- Possessing, using, possessing with intent to supply, or supplying any drugs or illegal substances in school.
- Any physical assault on a member of staff.
- Possessing a weapon in school, let alone threatening to use one. Trinity deems that any knife, irrespective of length, constitutes an offensive weapon and should not be brought into the School. In addition to knives, BB guns, air guns, catapults, slings, etc, will also be deemed to be offensive weapons. Other types of offensive weapons will include lengths of pipe, bats, other blunt instruments, or items judged by the Headteacher or Governors to be carried with the intention to inflict injury on another individual.
- Other serious offences, such as lighting a fire on the school premises, however small.
- Deliberate activation of the fire alarm without good intent, including smoking/vaping inside the building.
- Repeated or serious misuse of the school computers by hacking or other activities that compromise the integrity of the computer network.
- Regular refusal to be controlled by the staff of the school including persistent defiance and disruption.
- Posing a threat to any other members of the school community.
- Any sexual abuse or assault.
- Action which led to serious potential danger to another student or to a member of staff or passers by.
- Racial abuse, assault, or harassment.
- The repeated use of foul language directed at a teacher or other adult in school.
- Demanding money with menaces.

When reporting to the DfE, we can give up to 3 reasons for each suspension or permanent exclusion.

There may be other reasons for which a permanent exclusion is the right response by the school and where such incidents can be seen as being on the same level of disruption as those described above.

Any incidents, which are governed by the law of the land, such as theft, common assault, harassment, threatening behaviour, are likely to be reported to the Police, as well as the school acting to exclude the student.

If incidents happen off the school site, or out of school hours, or when the student is not in school uniform, the school still reserves the right to act, where the incident concerns members of the school community, or where the school's good name is being brought into disrepute, and where the good discipline of the school is an issue.

Ahead of any decision to recommend exclusion from school (fixed term (suspension), or permanent), a thorough investigation should be conducted into the incident, talking to any witnesses, staff and/or students as soon as possible, and independently. Signed and dated witness statements will be gathered, including the student's version of events, for all issues serious enough to warrant a fixed term exclusion. Where it is appropriate to do so, CCTV evidence will be reviewed in accordance with guidelines in our separate CCTV Policy. Once the facts have been established or while this is taking place, the student(s) involved may be isolated, as a means of minimising the after effects of the action. The person dealing with the incident should find out from the student if there was any reason for the behaviour and any extenuating circumstances or provocation.

3. Deciding to Suspend or Permanently Exclude

When we decide to suspend or permanently exclude a pupil from school, we will:

- Take account of our legal duty of care when sending a pupil home;
- Establish the facts in relation to the decision according to the civil burden of proof i.e. on 'the balance of probabilities' (whether the breach more than likely did than did not, happen) and not the criminal burden of proof, 'beyond reasonable doubt';
- Take care in the process not to discriminate against, harass or victimise pupils because of sex, race, disability, religion or belief, sexual orientation, pregnancy/maternity, or gender reassignment and make reasonable adjustments to ensure everyone can participate in the process, including where a difficulty may be due to English not being a parent's first language;
- Communicate without delay in person or by telephone in the first instance to give parents an opportunity to ask questions or raise concerns with the Headteacher;
- Communicate decisions clearly and in writing by delivering any written notification of the decision to suspend or permanently exclude a pupil in-person directly to their parents, by leaving it at their usual or last known home address, or by posting it to that address but with all due regard for necessary reasonable adjustments as above. We will only make this kind of notification via email, secure app, or another agreed electronic method if we have a written agreement with parents that we can.
- Notify the governing body, the local authority, and the pupil's home authority so that they can arrange continuing education if different from the school's.
- Within 14 days of a request, provide the Secretary of State for Education and the Local Authority with information about any exclusions within the last 12 months.

4. The Suspension and Exclusion Process

Suspension

A suspension, where a pupil is temporarily removed from this school and must stay at home can be for one or more fixed periods of time, up to a maximum of 45 school days in a single academic year and does not have to be continuous periods.

A suspension can be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. Lunchtime suspensions are counted as half a school day in determining whether a Governing Body meeting is triggered.

We aim to make a suspension the shortest time necessary to ensure minimal disruption to the child's education, whilst being mindful of the seriousness of the breach of Policy that led to it.

A suspension cannot be extended or 'converted' to a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

When the decision is made to suspend a pupil from school, the Headteacher will:

- 1) **Inform parents without delay** explaining the reason(s) for the suspension and how long it will last. This is usually done in person or by telephone by the end of the afternoon session on the first day of the suspension (or permanent exclusion) at the latest.
- 2) **Notify parents in writing** without delay of the following information:
 - the reason(s) for the suspension and how long it will last;
 - that during the first 5 days of any suspension, the pupil must not be in a public place during school hours and if parents fail to ensure this without reasonable justification, they will be committing an offence and may be given a fixed penalty notice or be prosecuted;
 - If alternative provision of full-time education is being arranged and, if it can reasonably be found out within the timescale, the following details:
 - the start date for any provision,
 - the start and finish times, including the times for morning and afternoon sessions if relevant,
 - the address at which the provision will take place, and
 - any information the pupil needs to identify the person they should report to on the first day.
 - the parents' right to make representations about the suspension to the Governing Body and how the pupil can be involved in this;
 - how any representations should be made; and
 - where there is a legal requirement for the Governing Body to consider the suspension, that parents (or a pupil if they are 18 years old) have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

This school understands how important it is to write legally correct letters about suspension and permanent exclusion and the process so we will use templates provided or recommended to us by our Local Authority. We also understand that failure to notify a parent regarding being in a public place and the penalties, or

about alternative provision by the required time does not relieve our Headteacher of the duty to serve the notice. A notice will not be considered invalid solely because it has not been given by the required time. If information will be sent home with the pupil, our Headteacher will consider sending a duplicate copy by an alternative method or confirming that the information has been received.

- 3) **Provide information** about relevant sources of free and impartial information including:
- [Coram's Child Law Advice service](#) website - Tel.: 0300 330 5485 - Monday to Friday, 8am-6pm.
 - [ACE Education](#) website - Tel.: 0300 0115 142 - Monday to Wednesday, 10am-1pm during term time.
 - [Independent Provider of Special Education Advice \(IPSEA\)](#) website, a registered charity offering 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 and disabilities (SEND).
 - The SEN or SEND Information Advice & Support Services Network (formerly known as the local parent partnership e.g. [About Cumbria SENDIASS](#), [SENDIAS Home - Lancashire SEND \(lancssendias.org.uk\)](#)) and links to other relevant local services for families.
- 4) **Ensure that the pupil still receives their education** by taking steps to ensure that work is set and marked for the first five school days of a suspension (or until the start date of any full-time alternative provision or the end of the suspension if this is earlier). This can include the use of <https://www.classcharts.com/> where teachers will upload work to the homework section of the platform.
- 5) **Ensure that arrangements are in place for Alternative Provision (AP) of education** for a pupil from the 6th day of their suspension if it is for more than 5 days (or if consecutive shorter suspensions have now accumulated to more than 5 days).

If information about this alternative provision was not communicated to parents because it was not available by the end of the afternoon session on the first day of the suspension (or permanent exclusion), we will ensure they receive written notice without delay and no later than 48 hours before the AP is due to start. The only exception is where AP will be provided *before* the sixth day of a suspension or permanent exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent. We will not make alternative provision for a pupil who is suspended (or permanently excluded) if the pupil is in their final year of compulsory education and does not have any further public examinations to sit.

Inform other key workers such as the Virtual School Head (VSH) if the pupil is a Looked After Child and their social worker if they have one, without delay after the decision.

Both the social worker and/or VSH, will be informed when a Governing Body meeting is taking place, so that they can share information with us. The social worker and/or the VSH can also attend the Governor's meeting where parents make representation if they want to.

- 6) **Inform the Governing Body/** without delay of:
- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
 - any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and

- any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.

7) Inform the Local Authority without delay of all school suspensions (regardless of length) or permanent exclusions, including the reason(s) and the duration of suspension or, in the case of permanent exclusion, the fact that it is permanent.

For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the Headteacher will also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it.

8) Arrange a re-integration meeting on the pupil's return to school where all those concerned can discuss the best way forward.

9) Remove permanently excluded pupils from the school roll at the right time.

When a pupil has disabilities or special educational needs we will make reasonable adjustments in how we support them during this period. Any time a pupil is sent home due to disciplinary reasons, including when asked to use online pathways instead of coming to school, will always be recorded as a suspension. Where suspensions are becoming a regular occurrence for a pupil, we will consider whether suspension alone is an effective sanction for them and whether additional strategies need to be put in place to address behaviour.

Off-site Direction

Off-site direction is when Governors require a pupil to attend another education setting to improve their behaviour because interventions or targeted support to do so in school have not been successful. This school uses it to arrange time-limited placements at Alternative Provision (AP) or another mainstream school for the shortest time necessary.

When possible, we will use in-school interventions or targeted support from AP to meet a pupil's individual needs and circumstances, whether behavioural or special educational.

Off-site direction into AP can be full-time or a combination of part-time support with AP and continued mainstream education for a proposed maximum period of time to be agreed on as part of the planning phase. Plans will also consider alternative options once the time limit has been reached, including a managed move on a permanent basis on review of the time-limited placement

The Governing Body will notify the parents (or the pupil if 18 or older) (and the Local Authority if the pupil has an Education, Health, and Care Plan (EHCP) in writing and provide information about the placement as soon as is practical after the direction has been made and no later than two school days before the start date. Parents (or pupils aged 18 or over) and, where the pupil has an EHCP, the Local Authority can request, in writing, that Governors hold a review meeting. When this happens, we must comply with the request as soon as is practical, unless there has already been a review meeting in the previous 10 weeks. The length of time a pupil spends in another mainstream school or AP and the reintegration plan will be kept under review by the Governing Body through review meetings at suitable intervals throughout the placement. We will write to invite parents (or the pupil if 18 or older, and the local authority if the pupil has an EHCP) to attend a review meeting or to submit in writing before the date of the meeting their views as to whether off-site direction should continue, no later than six days before the meeting date. The meeting will include arrangements for reviews, including how often, when the first review will be, and who should be involved e.g. school, parents, the pupil, and other agencies such as a pupil's social worker, Child and Adolescent Mental Health Services (CAMHS), Multi-Agency Safeguarding Hubs (MASH) and Youth Justice Teams to

establish agreed monitoring points to discuss the pupil's ongoing behaviour. These reviews will be recorded in writing and be frequent enough to provide assurance that the off-site direction is achieving its objectives via monitoring points.

The Governing Body will give written notification of their decision on whether the requirement to attend the placement should continue and if so, for what period of time including the reasons for it to the parent no later than six days after the date of the review meeting. To support a pupil with reintegration back into school here, the focus of intervention while off-site will be on ensuring they continue to receive a broad and balanced curriculum in line with any reasonable adjustments needed due to SEND whilst any inappropriate behaviours requiring intervention are being addressed. The length of time a pupil spends in another mainstream school or AP will depend on what best supports the pupil's needs and potential improvement in behaviour.

Managed Move

A Managed Move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves will only be offered as part of a planned intervention when we have evidence that it is in the pupil's best interests. It is voluntary, to be agreed with all parties involved, including the parents and the admissions authority of the new school. For temporary moves, see Off-site Direction above.

Where a pupil has an EHCP, the relevant statutory duties on the new school and local authority will apply. If we are thinking about a managed move, we will contact the local authority before it goes ahead. If the local authority, both schools and parents are in agreement that there should be a managed move, the local authority will follow the statutory procedures for amending the EHCP.

We will share information with the new school, including data on prior and current attainment, academic potential, a risk assessment, and advice on effective risk management strategies. It is also important for the new school to ensure that the pupil is provided with an effective integration strategy. For information on reintegration see section 7 below.

If a parent believes they are being pressured into a managed move or is unhappy with the plan, they can complain to the Governing Body using our formal complaints procedure <https://trinity.cumbria.sch.uk/wp-content/uploads/Complaints-Procedure-2021-2023-1.pdf> and, where appropriate, the Local Authority using their complaints procedure [Internal Reviews and Complaints | Cumbria County Council](#).

5. Permanent Exclusion

A permanent exclusion is when a pupil is permanently excluded from school and not allowed to return. This is a very serious outcome and decision, and the Headteacher will consult with senior leaders and the Chair of the Governing Body as soon as possible in such a case.

We will follow the same procedure to decide on and initiate a permanent exclusion for a pupil as for a suspension (see above), including using appropriate template letters from our Local Authority.

However, where a child is not returning to our school, we will not arrange alternative education and instead will take steps to initiate an assessment of the pupil by the local authority responsible for their continuing education (from the 6th day after exclusion), so that a long-term re-integration plan for a new placement can be put in place. We will also draw attention to a pupil's EHCP if they have one because the local authority must ensure that an appropriate full time placement is identified in consultation with parents, who retain their rights to express

a preference for the school they want their child to attend or make representations for a placement in any other school.

6. Re-instatement

The committee considering the suspension or permanent exclusion of a pupil from school will consist of at least three governors. The Governing body has a duty to consider parents' representations about a suspension or permanent exclusion, but does not have the power to decide whether to reinstate the pupil.

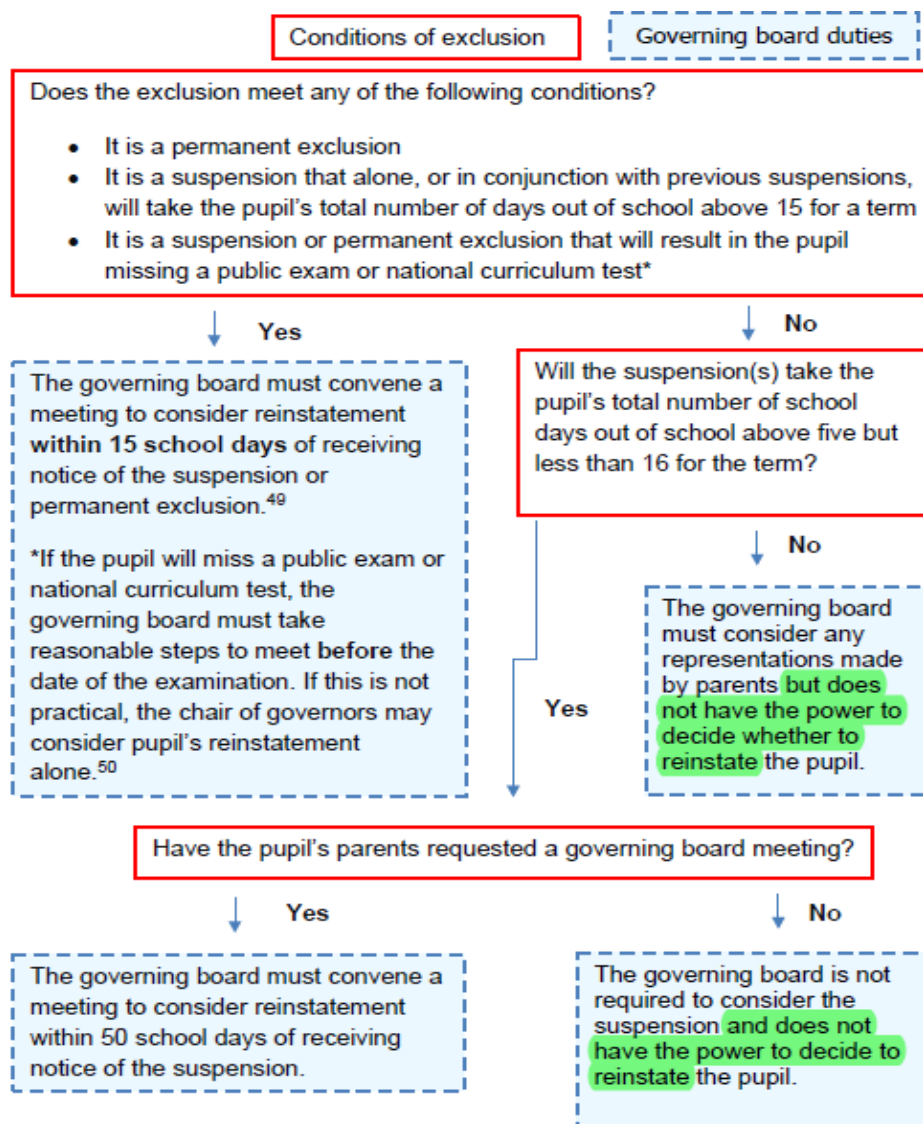
The requirements on a Governing Body to consider the reinstatement of a suspended or permanently excluded pupil depend upon a number of factors illustrated by the flowchart below, 'A summary of the governing board's duties to review the Headteacher's exclusion decision' (from p38 of statutory DfE guidance ['Suspension and permanent exclusion from schools including pupil movement'](#)).

The Governing Body will consider and decide on the reinstatement of a suspended or permanently excluded pupil **within 15 school days** of receiving notice of a suspension or permanent exclusion from the Headteacher if it:

- is a permanent exclusion;
- is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term; or
- would result in the pupil missing a public examination or national curriculum test.

If the pupil would be suspended for more than five but less than 16 school days in a term *and* if parents make representations, governors will consider and decide **within 50 school days** of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, our Governing Body is not required to meet and cannot direct the reinstatement of the pupil.

‘A summary of the Governing Board’s duties to review the Headteacher’s exclusion decision’



Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, governors will consider and decide on the suspension or permanent exclusion **before the date of the examination or test where possible**. If it is not practical for enough governors to consider the reinstatement before the examination or test, the Chair of Governors alone (or Vice Chair if the chair is unavailable) may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the Governing Body will consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents. If a meeting is considered, it should happen within a reasonable amount of time.

We will make the pupil and/or their parents aware of their right to attend and participate in the Governor’s meeting. The pupil will also be enabled and encouraged to participate at all stages of the process, considering their age and understanding, including to make a representation on their own behalf if they want to.

The following parties will be invited to a meeting of Governors to make representations or share information:

- parents (and, where requested, a representative or friend);
- the pupil if they are 18 years or over;
- the Headteacher;
- a representative of the Local Authority if requested by the parent
- a Social Worker, if the pupil has one; and
- the VSH if the child is LAC.

When conducting the review meeting, we will follow DfE statutory guidance [paragraphs 110-128](#).

Governors will either decline to reinstate the pupil or direct reinstatement of the pupil immediately or on a particular date.

If Governors decide against the reinstatement of a pupil who has been permanently excluded the parents can ask for the decision to be reviewed by an Independent Review Panel (IRP) which will include representatives from the Governing Body. Parents can request an IRP even if they did not make representations to or attend the meeting at which the Governing Board considered reinstating the pupil.

If a reinstatement meeting would make no practical difference because for example, the pupil has already returned to school following the expiry of a suspension or the parents make clear they do not want their child reinstated, the Governing Body will still meet to consider whether the pupil should or would have been officially allowed back into the school. Ideally, a reinstatement meeting should happen as soon as possible and before the pupil is back in school.

7. Appealing to an Independent Review Panel

If applied for by parents within the legal time frame and regardless of whether they have made any representation to school, our Local Authority will, at their/our expense, arrange for an Independent Review Panel hearing to review the decision of a Governing Body not to reinstate a permanently excluded pupil.

The legal time frame for an application is:

- within 15 school days of notice being given to parents by the Governing Body of their decision to uphold a permanent exclusion; or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

Any application made outside of the legal time frame will be rejected by the Local Authority.

The Local Authority will identify a date for the review that all parties, and any SEN expert appointed to give advice in person, are able to attend. However, the review must begin **within 15 school days** of the day on which a parent's application for a review was made (panels have the power to adjourn a hearing if required). The venue should also be reasonable accessible to everyone who needs to attend.

Parents have a right to request the attendance of a SEN or SEND expert (SENDIAS service) at a review, regardless of whether the school recognises that their child has SEN or a disability. This person is paid for by the Local Authority and their role is to provide impartial advice to the panel on how special educational needs or disability might be relevant to the exclusion,

for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil. Every exclusion letter should include details of the [local SENDIAS service](#).

The meeting will be held in private unless the Local Authority directs otherwise. The meeting can be adjourned at any time and more than once, providing the effect of an adjournment on the parties to the review, the permanently excluded pupil and their parents, and any victim(s) has been considered.

Where the issues raised by two or more applications for review are the same, or connected, the panel may combine the reviews if, after consultation with all parties, there are no objections.

In reviewing the decision, the panel must consider the interests and circumstances of the permanently 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 school. The panel must also apply the civil standard of proof rather than the criminal standard.

Following its review, the panel can decide to:

- uphold the Governing Body's decision not to reinstate;
- recommend that the Governing Body reconsiders reinstatement; or
- quash the Governing Body's decision and direct that the Governing Body reconsiders reinstatement.

The IRP's decision is binding on the: pupil; parents; Governing Board; Headteacher; and Local Authority. The decision does not have to be unanimous and can be decided by a majority vote. In the case of a tied vote, the chair has the casting vote.

The panel may only quash our Governing Body's decision not to reinstate if it considers that the decision was flawed when considered in the light of the principles applicable to an application for judicial review (see DfE statutory guidance, [paragraphs 223 to 227](#)).

New evidence may be presented to the panel, but we, the school may not introduce new reasons for the permanent exclusion or the decision not to reinstate the pupil. In deciding whether the Governing Body's decision was flawed, and whether to quash the decision not to reinstate, the panel will only take account of the evidence that was available to the Governing Body at the time of making its decision not to reinstate. This includes any evidence that the panel considers would, or should, have been available to the Governing Body 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 Body to have been aware of at the time of its decision, the panel can still take account of the evidence when deciding whether to recommend that Governors reconsider reinstatement.

8. Reintegration

We will support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction. We will work to provide them with a fresh start designed to help them understand the impact of their behaviour on themselves and others; teach them to how meet the high expectations of behaviour in line with the school culture; foster a renewed sense of belonging within the school community; and builds engagement with learning.

Measures might include:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school;
- Daily contact with a designated pastoral professional in-school;

- Use of a report card with personalised targets leading to personalised rewards;
- Ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress;
- Planned pastoral interventions;
- 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.

Our reintegration strategy will be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school and where possible this meeting should include the pupil's parents. No pupil will be prevented from returning to school if parents are unable or unwilling to attend. The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties, including to identify if the pupil has any SEND and/or health needs.

9. Suspension or Exclusion of a Child who has Special Educational Needs or Disabilities

The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can apply to both the suspension and permanent exclusion process and to disciplinary sanctions imposed. Under the Children and Families Act 2014, Governors must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEND, which includes support in relation to behaviour management needed because of their SEND.

This school is committed to working proactively with parents in supporting the behaviour of pupils with additional needs. In partnership with others (including the Local Authority where appropriate and always when a pupil has an EHCP), we will consider what additional support or alternative placement may be required.

This process will involve assessing the suitability of provision for a pupil's SEN or disability and, when an EHCP is in place, we will contact the Local Authority about any behavioural concerns at an early stage and consider requesting an early annual review of the EHCP before making the decision to suspend or permanently exclude the pupil. For those with SEN but without an EHCP, we will review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may trigger an EHCP assessment or a review of the pupil's current package of support.

10. Marking Attendance Registers and Off-rolling Pupils

When a pupil is suspended, they will be marked as absent from this school using Code E (excluded but no alternative provision made) for up to 5 days of a period of suspension. Where alternative provision is made, and pupils attend it, they will be marked as absent from this school using either code B (education off site) or code D (dual registration). The Governing Body will ensure that a pupil's name is removed from our school admission register (and make the appropriate return to the local authority about it) if:

- 15 school days have passed since the parents were notified of the governing board's decision to not reinstate the pupil and no application has been made for an IRP; or
- the parents have stated in writing that they will not be applying for an IRP.

11. Making a Complaint

Parents who want to make a complaint about their child's suspension or permanent exclusion should follow our school Complaints Procedure, starting at the Formal Stage 2 by writing to Governors via the Clerk to the Governors, email clerk@trinity.cumbria.sch.uk. The link to the school Complaints Procedure is here to assist:

<https://trinity.cumbria.sch.uk/wp-content/uploads/Complaints-Procedure-2023-2025.pdf>

This is because actions that are equivalent to the informal stage of our complaints procedure and the Formal Stage 1 will already have happened during our ordinary suspension and exclusion process. Therefore, the complaint can go straight to Governors for their consideration based on the nature of the complaint and their examination of the established evidence from the completed suspension and exclusion process.