



OASIS COMMUNITY LEARNING EXCLUSIONS POLICY

CONTENTS

At a glance.....	4
Checklist.....	5
In brief.....	5
Unlawful Exclusions/Suspensions.....	6
Behaviour outside the Academy.....	7
Preventative Measures.....	7
SEND reviews.....	8
Alternatives to Suspension/Permanent Exclusion.....	9
Behaviour for Learning Policy.....	12
Mitigating Circumstances.....	12
Safeguarding students.....	12
Alternatives to suspension – Internal exclusion.....	13
CiC / LAC / Previously LAC and children with social workers.....	13
Gathering evidence.....	14
Witness statements.....	14
Police involvement and parallel criminal proceedings.....	15
Suspensions.....	15
Permanent exclusions.....	16
Procedures following a suspension or permanent exclusion.....	17
Exclusions Panel.....	18
Preparing in advance of Exclusion Panel meetings.....	19
Considering reinstatement of a student.....	20
Remote Meetings.....	21
Communicating the outcome of the Exclusion Panel meeting.....	21
The Independent Review (IRP).....	22
Academy register.....	22

Monitoring arrangements	23
Trustees' challenge and support	23
Training.....	24
The Trust organises annual training for Principals, Exclusion Panel members and clerks.....	24
Links with other policies	24
Statutory requirements.....	24
RACI matrix	25
APPENDIX A – SAMPLE LETTERS	26
APPENDIX B – INFORMATION TO CONSIDER COLLATING FOR AN EXCLUSION PANEL.....	39
APPENDIX C - BEST PRACTICE EVIDENCE PACK	40
APPENDIX D – AGENDA FOR EXCLUSION PANEL MEETINGS	41
APPENDIX E – EXCLUSION AND SUSPENSION CHECKLIST.....	43
APPENDIX F – A SUMMARY OF THE EXCLUSION PANEL'S DUTIES	51
APPENDIX G – AN EXAMPLE OF AN AGENDA FOR AN EXCLUSION PANEL MEETING	52
Document Control.....	53

At a glance

In developing a policy for Exclusions, the Oasis vision is important. Our vision is for community – a place where everyone is included, making a contribution and reaching their God-given potential. Our ethos is a statement of who we are and it is an expression of our character. Rooted in the story and beliefs of Oasis, we describe our ethos through a particular set of values that inform and provide the lens on everything we do.

- **A passion to include**
- **A desire to treat people equally respecting differences**
- **A commitment to healthy, open relationships**
- **A deep sense of hope that things can change and be transformed**
- **A sense of perseverance to keep going for the long haul**

It is these ethos values that we want to be known for and live by. It is these ethos values that also shape our policies. They are the organisational values we aspire to. We are committed to a model of inclusion, equality, healthy relationships, hope, and perseverance throughout all the aspects of the life and culture of every Oasis Hub and community.

Everyone who is part of Oasis needs to align themselves to these ethos values. The values themselves are inspired by the life, message and example of Jesus but we make it clear that we will not impose the beliefs that underpin our ethos values. We recognise and celebrate the richness that spiritual and cultural diversity brings to our communities. We respect the beliefs and practices of other faiths and will provide a welcoming environment for people of all faiths and those with none.

Therefore, right at the heart of Oasis is this deep-rooted commitment to inclusion and equality. This is inescapable and must be core to our delivery of this Exclusions policy. We recognise that one size does not fit all and that through our actions we can enable all of our community to participate and achieve.

We also recognise that some of our students will need more, or different, from us. We aim for and work for equity - adjusting and supporting to facilitate access, and ultimately we look to our own systems and structures to move towards justice, where our everyday 'norm' is accessible to all without the need for anyone to feel like an outsider.

Therefore

- We believe all our students are precious; we prioritise social inclusion and integration in all we do
- We model and set high aspirations and expectations for every student and member of staff
- We provide opportunities and experiences for all of our students, as well as their wider families, giving advantage to the disadvantaged

Checklist

- Our approach to exclusions is underpinned by the Oasis Ethos and 9 Habits. To create and maintain healthy, open relationships and to ensure we remain committed to treating people equally, we seek to intentionally focus on being patient, honest, humble and forgiving. For instance, in the process of hearing an exclusion, we will need to act humbly and honestly, particularly when explaining a student's behaviour to parents or carers. Equally, it is our intention that being forgiving will form a central part of the way in which we listen to, discuss and deal with exclusions together.
- We will be open and supportive in the way we deal with exclusions and act fairly and proportionately.
- We will convene an Exclusion Panel within 15 school days to review any permanent exclusion; any suspension which would bring the pupil's total number of school days out of school to more than 15 in a term; or any suspension or exclusion which would result in a pupil missing a public examination or national curriculum test
- We will convene an Exclusion Panel within 50 school days to review any suspension lasting more than five but less than 16 school days, where the parents or carers request this
- We will ensure that regional directors and local authorities are notified of all suspensions and exclusions
- We will consider the mental health assessment needs of any pupil facing permanent exclusion
- We will listen to all parties in an exclusion review meeting to understand what happened and explore the support that was put in place to support a student prior to the event that has triggered the exclusion.
- Exclusions will follow the process outlined below in line with DfE guidance.
- We will monitor exclusions so that we can learn from them and make improvements to our support and intervention for students, systems and processes.

In brief

This policy outlines our approach to exclusions across the Trust. The policy provides statutory guidance in relation to exclusions. The policy makes links to other guidance in areas such as behaviour, SEN, and equality. Through this policy Oasis Community Learning aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by Regional Directors, staff, parents and students
- Students in academies are safe and happy
- Students do not become NEET (not in education, employment or training)

Following the release of the latest DfE statutory guidance, exclusions formerly referred to as 'fixed term' have become 'suspensions'. This policy uses this new terminology throughout.

This policy is for academy leaders and parents and should be read alongside the Statutory Guidance on exclusions, which Principals and Exclusion Panels must have regard to.

Principal in this document and in DfE guidance applies equally to an acting/Interim Principal.

Parent in this document include any person 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 foster carer) with whom the student lives or has care of the child. It is expected that all those with parental responsibility should be engaged with the exclusions process. Where the young person being excluded is 18 or over, they will be the 'relevant person' in place of the parents.

Only the Principal can exclude a student from the Academy. If the Academy does not have a Head / Principal then an Acting Principal can exclude a student. A permanent exclusion will be taken as a last resort. Any decision to exclude must be lawful (with respect to the legislation relating directly to suspensions/exclusions and the Academy's wider legal duties), rational, reasonable, fair and proportionate. In every instance where a student is sent home for disciplinary reasons, Principals must formally record and specify the length of the exclusion.

Unlawful Exclusions/Suspensions

- 'Informal' or 'unofficial' exclusions, such as sending students home 'to cool off' are unlawful, regardless of whether they occur with the agreement of parents or carers.
- If a student is sent home in response to a breach of discipline, even for a short period of time, this must be formally recorded as a suspension.
- The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion but a new decision to suspend or permanently exclude to begin immediately after the first suspension ends, can be made in exceptional cases (usually where further evidence has come to light).

It is unlawful to suspend/exclude or to increase the severity of a suspension for a non-disciplinary reason for example:

- because the student has additional needs or disability that the Academy feels unable to meet
- time needed to arrange a multi-agency, review or planning meeting
- failure of a student/parent to meet specific conditions before the student is reinstated

Part time timetables

The use of a part-time timetable can also constitute an unlawful exclusion, where the student is not allowed in school for lessons/sessions because of behaviour or special needs.

A reduced timetable is an agreement between parent/carers, and Academy and student. As a guide, it is suggested that this should be limited to a period of no more than six weeks.

Academies have a duty of care for all students on their roll. The Academy must ensure that when a student is not expected to attend, there is a written agreement with parents or alternative education providers about who is responsible for keeping the student safe for the time they would normally be in the Academy.

Midway through the reduced timetable period, the Academy will have a review meeting. This will be an opportunity to discuss support and if all the objectives of the reduced timetable are being met.

At the end of the agreed period of the reduced timetable the Academy will have a re-integration review meeting. This will be an opportunity to discuss with parents, carers and the student whether the objectives of the reduced timetable have been met and to agree any on-going support necessary for the student. A reduced timetable is rarely effective in managing pupils at risk of exclusion. Limiting their access to education is unlikely to help them develop in their areas of need.

It is best practice in OCL to discuss any part time education with the relevant Regional Director. There is a Trust wide template that must be used for all children and a spreadsheet held by EAs to record key information on.

Behaviour outside the Academy

The behaviour of students outside the Academy can be considered as grounds for exclusion where it is reasonable to do so. The Academy's behaviour policy will set out what the Academy will do in response to all non-criminal poor behaviour and bullying including cyber-bullying and on-line harms, which occurs anywhere off the Academy premises. This behaviour could include bringing the Academy into disrepute.

Parents should be directed to the Academy's Behaviour Policy and the OCL Behaviour for Learning Policy available on the Academy website.

Preventative Measures

Schools should adopt a range of initial intervention strategies to help pupils manage their behaviour and to reduce the likelihood of suspension and permanent exclusion. This is achieved by helping pupils understand behavioural expectations and by providing support for pupils who struggle to meet those expectations.

Examples of interventions schools can consider include:

- frequent and open engagement with parents, including home visits if deemed necessary;
- providing mentoring and coaching;
- short-term behaviour report cards or longer-term behaviour plans;
- pupil support units and
- engaging with local partners and agencies to address specific challenges such as poor anger management, a lack of resilience and difficulties with peer relationships and social skills

Initial intervention to address underlying factors leading to misbehaviour should include an assessment of whether appropriate provision is in place to support any SEND that a pupil may have.

The 'graduated response' should be used to assess, plan, deliver and then review the needs of the pupil and the impact of the support being provided. If the pupil has an Education, Health and Care (EHC) plan, early contact with the local authority about the behavioural issues would be appropriate and an emergency review of the plan might be needed.

Where a school has serious concerns about a pupil's behaviour, that impact on wider concerns than education, it should consider whether a multi-agency assessment such as an early help assessment or statutory assessment that goes beyond the pupil's educational needs is required

Principals should consider what extra support might be needed to identify and address the needs of students from groups identified nationally as being at greater risk of exclusion, such as students eligible for Free School Meals; Looked After Children and students from certain ethnic groups including Gypsy / Roma, Travellers of Irish Heritage and Black Caribbean communities.

SEND reviews

Principals must take account of their statutory duties under the SEND Code of Practice when administering the suspension/exclusion process. They should, as far as possible, avoid excluding permanently any student with an Education Health and Care Plan (EHCP).

Where an Academy identifies a student with an EHCP who is at serious risk of disaffection or exclusion, an interim or early review should be called. It will then be possible to consider the student's changing needs and provision as an alternative to the student being excluded.

Pupils with SEND

Leaders must ensure that academies have made reasonable adjustments for children with SEN or those with other disabilities, before they resort to suspension or exclusion. Sometimes children can demonstrate behaviour, which is due to their additional need or disability rather than them being naughty or disruptive.

Academies should engage proactively with parents in supporting the behaviour of pupils with additional needs. As an Academy we are mindful of the increased safeguarding risks that children with SEND may face, and these will be considered in each situation.

Where an academy has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative

placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability.

Where a pupil has an EHC plan, schools should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude.

For those with SEN but without an EHC plan, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for academies to request an EHC assessment or a review of the pupil's current package of support.

Alternatives to Suspension/Permanent Exclusion

Academies must try and avoid the need to use suspensions and exclusions if at all possible and in the case of permanent exclusion, this must be a last resort. Alternatives to permanent exclusion must be considered albeit that not all alternatives will be relevant in each situation.

Alternative provision

See OCL's policy, "Use of Alternative Provision Settings", which can be downloaded from OCL's Policy Portal.

Through their general management powers, Principals have the power to direct a student to alternative provision to improve their behaviour. The DfE guidance on alternative provision should be followed where a direction is being issued and consideration given to the aims of directing to alternative provision. Any direction will need to be kept under review and be time limited. Only AP provision that has been assessed and approved by Oasis should be commissioned, new settings must be assessed before use, using the documentation specified in the above policy.

During the off-site direction to another school, pupils must be dual registered. Code B should be used for any off-site educational activity, if the provision is an approved educational activity that does not involve the pupil being registered at any other school the name of the off-site setting should be recorded in the statutory field in Bromcom.

When possible, in-school interventions or targeted support from AP schools should be used to meet a pupil's individual needs and circumstances – whether behavioural or special educational.

Depending on the individual needs and circumstances of the pupil, off-site direction into AP can be full-time or a combination of part-time support in AP and continued mainstream education.

Before alternative provision begins

A proposed maximum period of time should be discussed and agreed upon as part of the planning phase for an off-site direction. As part of planning, alternative options should be considered once the time limit has been reached, including a managed move on a permanent basis (if a pupil is in a mainstream school) upon review of the time-limited placement. The academy should use the OCL form that assesses a pupil's needs, current provision and why a proposed setting better meets the pupil's educational needs.

During an alternative provision placement

The length of time a pupil spends in another mainstream school or AP and the reintegration plan must be kept under review by the Principal, who must hold review meetings at such intervals as they, having regard to the needs of the pupil, consider appropriate, for as long as the requirement remains in effect.

Not later than six days before the date of any review meeting, a Principal must give a written invitation to parents (or the pupil if 18 or older) (and the local authority if the pupil has an EHC plan) to attend the review meeting, or to submit in writing before the date of the meeting their views as to whether off-site direction should continue to have effect.

The Principal must ensure, insofar as is practicable, that any review meeting is convened on a date, and at a time, that is suitable for the parent.

The Principal must keep the placement under review for as long as the requirement remains in effect and must decide following each review meeting as to whether the requirement should continue to have effect and, if so, for what period of time.

The meeting should include arrangements for reviews, including how often the placement will be reviewed, when the first review will be and who should be involved in the reviews. (e.g. the academy, parents, the pupil, and other agencies e.g., a pupil's social worker, Child and Adolescent Mental Health Services (CAMHS), Multi-Agency Safeguarding Hubs (MASH) and Youth Justice Teams, and the local authority (if a pupil has an EHC plan) to establish agreed monitoring points to discuss the pupil's ongoing behaviour. These reviews should be recorded in writing and be frequent enough to provide assurance that the off-site direction / use of AP is achieving its objectives via monitoring points.

The Principal must give written notification of their decision as to whether the requirement to continue 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.

At the end of an alternative provision placement

To support a pupil with reintegration into their referring school, the focus of intervention whilst off-site should remain on ensuring that a pupil continues to receive support.

The Principal must take into account the views of the AP provider, the child's parents and where the pupil has a statement of special educational needs, a representative of the local authority maintaining the statement referred to in regulation) who have attended the review meeting or have submitted their views in writing.

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.

The Regional Director must have an overview of AP provision in their region and support Principals in reviewing the length of time a child is in AP provision as well as its suitability, particularly where the AP provider does not have DfE registration.

Managed Moves

A Managed Move is defined as a formal agreement between two schools, a student and their parents. It allows a student at risk of permanent exclusion to transfer to another school. The move requires the agreement of the student's parents, the Principal of the student's school, the Principal or head teacher of the proposed school, and the LA (if the school being transferred to is a community or voluntary maintained school).

A Managed Move is never an early or first response when a student is failing at school because of behaviour. Rather, it should be considered as part of a measured response to supporting their emotional, social and behavioural needs. It is likely to be a strategy considered in the later stages of a support plan where there is little or no evidence of success. A Managed Move can often be a fresh start for a student and must be undertaken alongside a high level of support for the student.

Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a managed move, it should contact the authority prior to the managed move. If the local authority, both schools and parents are in agreement that there should be a managed move, the local authority will need to follow the statutory procedures for amending a plan.

Managed moves should be offered as part of a planned intervention. The original school should be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support, or any statutory assessments were done or explored prior to a managed move.

The managed move should be preceded by information sharing between the original school and 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.

If a parent believes that they are being pressured into a managed move or is unhappy with a managed move, they can take up the issue through the Trust's formal complaints procedure.

Ofsted will consider any evidence found of a parent being pressured into a managed move that has resulted in off-rolling and is likely to judge a school as inadequate on the basis of such evidence.

Behaviour for Learning Policy

Academies must apply their behaviour for learning policies in a non-discriminatory way with due regard to the Equality Act 2010. This Act requires Academies to make reasonable adjustments for disabled pupils and not to discriminate against a pupil due to any protected characteristic.

Exclusions must **not** be used for:

- poor academic performance
- lateness or truancy
- one-off breaches of Academy uniform or rules on appearance
- behaviour of students' parents

Mitigating Circumstances

Principals should take account of any contributing factors that are identified after an incident of poor behaviour has occurred (e.g. where it comes to light that a student has suffered bereavement, has mental health issues or has been subject to bullying).

Safeguarding students

Principals must take account of their legal duty of care when sending a student home following the exclusion. The head teacher should also give particular consideration to the fair treatment of students from groups who are vulnerable to exclusion. Principals should ensure that:

- They are meeting their legal duty of care towards students. Parents/carers must be formally notified of the exclusion and the student must not be placed at risk by, for example, being sent home without adequate supervision. Best practice is that parents/carers must be spoken to directly before a student is sent home
- Child protection issues are taken into account e.g. bearing in mind the student's age and vulnerability.

Principals should consider whether any student may be at risk of Child Criminal Exploitation (CCE) including Child Sexual Exploitation (CSE) and County Lines and the implications of this on the decision to exclude. Exclusion from the Academy or unexplained absences from the Academy is a risk indicator on the CSE screening tool.

Working with the Principal, the Designated Safeguarding Lead (DSL) is responsible for maintaining a confidential record of all students for whom there are Child Protection (CP)

issues or who have a Child Protection Plan (CPP) and for managing the education contribution to the CPP.

A student, for whom there are CP issues, is more at risk of harm if their family is placed under unexpected stress. Any suspension or exclusion can create stress and each Academy should have systems that allow current information about a student's situation to be considered when the Principal is thinking about exclusion.

The DSL can advise the Principal and contact children's social care before the Principal takes action to exclude. In discussion with the Principal or DSL, the allocated social worker may decide to call a core group meeting for students with CP issues to plan how to ensure the student is kept safe from significant harm. The Principal will normally consult a student's social worker before making the decision to exclude. Children's Service involvement is crucial where a child is known to them. The expectation is that a pupil on a child protection or child in need plan will receive enhanced social services support whilst excluded.

In some cases, it **may** be appropriate for the Principal to delay the dates for exclusion e.g. 2-3 days to allow the social worker to plan how to ensure the student is kept safe from significant harm during the exclusion. The Principal may issue an internal exclusion for the intervening days in the Academy.

If a parent does not comply with the exclusion, by sending the excluded student to the Academy, or by refusing to collect, or arrange collection of the student, the Academy must consider the student's safety in deciding what action to take. Any exclusion should not be enforced if doing so may put the safety of the student at risk. The social worker may help to resolve the issue with the parents of any student with CP issues.

Where a student has a social worker, they will be invited to any Exclusion Panel.

Alternatives to suspension – Internal exclusion

Academies can still use internal exclusions. These should be time limited and not used excessively for the same student. Such exclusions are served on the Academy site and are not treated as a suspension from the Academy. Internal exclusion may be more appropriate in cases where a student is a Child in Care (CiC) who is subject to a Child Protection Plan, or for whom the DSL/Principal believes formal suspension might pose a safeguarding risk e.g., in the case of CCE.

Every effort should be made to ensure that, whilst in internal exclusion, a student does not fall behind with their schoolwork. This will include the setting and marking of relevant work.

CiC / LAC / Previously LAC and children with social workers

Pupils who have a social worker, including looked-after children, and previously looked-after children

Children in Care / Looked After Children are a group of students who are vulnerable to suspension or exclusion.

The Local Authority (LA) Virtual School Head should be contacted as soon as it becomes likely that there is going to be a suspension or a permanent exclusion. LA protocol should be followed when CiC/LAC students are excluded. Exclusion of a child in care is not an equal punishment as that of a child living with their family; the consequence can often be loss of their home, not just their education. Everything possible should be done by all partners to ensure that LAC are never permanently excluded and that suspensions are avoided.

Where a Looked After Child is suspended or permanently excluded, the Virtual School Head and social worker will be informed of the decision without delay. The Virtual School Head and social worker will also be invited to any Exclusion Panel meeting.

Where a pupil has a social worker, and they are at risk of suspension or permanent exclusion, the principal should inform their social worker

Where previously looked-after children face the risk of being suspended or permanently excluded, the academy should engage with the child's parents and the academy's Designated Teacher. The academy may also seek the advice of the Virtual School Head on strategies to support the pupil.

Gathering evidence

When establishing the facts in relation to an exclusion the Principal must apply the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true.

Evidence could consist of witness statements, photographs, screen shots from social network sites, physical evidence or behaviour incident records. In the case of exclusions for persistent disruptive behaviour, Principals should also provide evidence that preventative measures have been used. Principals should give students the opportunity to present their views before taking the decision to suspend or permanently exclude.

Witness statements

All witness statements should be attributed, signed and dated, unless the Academy has good reason to wish to protect the anonymity of the witness, in which case, the statement should at least be dated and labelled in a way that allows it to be distinguished from other statements.

The following advice is taken from Witness Statements Preparation Guide, European Human Rights Advocacy Centre, 2008. *If an adult is writing down the statement of a young person, or asking a student to write their own statement, they must avoid using leading questions. Useful questions might include:*

- *When did the incident take place?*
- *Where was the witness at the time and what was he or she doing?*

- *Who was the witness with and what did the witness see?*
- *What did each person say or do?*

Statements should be factual and in the words of the witness: 'I did this...', and 'I saw...'. Statements could also include photos, maps, sketches or diagrams. It should be explained to the witness or their Parents (depending on the age of the student) that their statement may be used at an Exclusion Panel. The OCL proforma for statements should be used.

The student or parents' consent does not need to be obtained for a statement (since the lawful basis for processing is legal obligation, not consent). Any reference to other students should be anonymised and, if it would identify a student, redacted.

The Exclusion Panel should not see the full names either if these are being anonymised. All panel members should have the same information and if this is redacted or anonymised then that is how it is presented to all.

Police involvement and parallel criminal proceedings

Principals need not postpone taking a decision about an exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, Principals will need to take a decision on the evidence available to them at the time.

It may be advisable, where the evidence is not clear-cut or is still coming to light, to first suspend the student.

Suspensions

When Principals suspend a pupil they must, without delay, notify parents and the local authority. Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the principal must now, also without delay after their decision, notify the social worker and/or Virtual School Head, as applicable.

A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period. The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion 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.

Suspensions should be for the shortest time necessary. Ofsted inspection evidence suggests 1-3 days are often long enough. A longer period of suspension may have adverse educational consequences. A lunch-time suspension should be recorded as a half day. Academies should take reasonable steps to set and mark work for students during the first five days of a suspension. Work that is provided should be accessible and achievable by students outside of the Academy. **Regional Directors must be kept informed about all suspensions.**

The Principal is responsible for ensuring that a Review Panel is convened to consider the suspension:

- Within 15 school days - when the latest suspension, in conjunction with previous suspensions, will take the student's total number of days out of the academy above 15 for the term
- As soon as possible, and prior to the date of the examination or test – when the suspension will result in the student missing a public exam or national curriculum test
- Within 50 school days – when the latest suspension takes the student's total number of school days out of the academy above five but less than sixteen for the term, and the parents have made representations that their child should be reinstated, or the suspension reviewed.

In any of these circumstances the principal must also ensure that the paperwork is sent out to all parties at least five school days prior to the panel meeting. A suggested template for the evidence pack is given at Appendix C.

Cancelling exclusions

The principal may cancel an exclusion that has already begun, but this should only be done where it has not yet been reviewed by the Exclusions Panel. Where an exclusion is cancelled, then:

- Parents, the regional director, and the LA should be notified without delay and, if relevant, the social worker and Virtual School Head;
- Parents should be offered the opportunity to meet with the Principal to discuss the circumstances that led to the exclusion being cancelled;
- Schools should report to the Regional Director once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling Regional Directors to have appropriate oversight and;
- The pupil should be allowed back into school.

Permanent exclusions

A decision to exclude a student permanently should only be taken:

- by the Principal (or Acting/Interim Principal)
- in response to serious **or** persistent breaches of the Academy's behaviour policy; **and**
- where allowing the student to remain in the Academy would seriously harm the education **or** welfare of the students or others in the Academy

Regional Directors must not be involved in the decision to permanently exclude a student as they will chair the Exclusion Panel but must be kept informed of the decision making.

Principals can source advice regarding Exclusions from the National Directors and the Primary or Secondary Student Inclusion Leads. Principals are strongly encouraged to discuss a permanent exclusion with a senior colleague in OCL before making the final decision. Where an Exclusion Panel is formed for a suspension and the Regional Director has been involved in the decision, a different Regional Director must be used to chair the Exclusion Panel.

Where practical, Principals should give a student a final opportunity to present their case before taking the decision to exclude.

While current DfE statutory guidance provides no examples of what a serious breach of the Academy's behaviour policy might be, Principals might reasonably consider permanent exclusion in the following cases:

- serious actual or threatened violence against another student or member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon

When Principals permanently exclude a pupil they must, without delay, notify parents, the local authority and the "home" authority if the student lives outside the LA area in which the academy is located. Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the Principal must now, also without delay after their decision, notify the social worker and/or Virtual School Head, as applicable.

Procedures following a suspension or permanent exclusion

Informing parents

The Principal must immediately notify parents of the period of a suspension and the reasons for it, their legal responsibilities during the first five days of their student's exclusion and follow up in writing with:

- the reasons for the exclusion;
- the period of a suspension or, the fact that it is permanent;
- parents' right to make representations about the exclusion to the Exclusion Panel and how the student may be involved in this;
- how any representations should be made to the Exclusion Panel, depending on the length of the suspension
- where the Exclusion Panel is legally required to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.

The Academy must inform parents of the days on which they must ensure that the student is not present in a public place at any time during school hours, for the first 5 days of any suspension/exclusion and that a Penalty Notice can be issued if they fail to ensure this.

From the sixth day of a suspension, Academies are required to arrange alternative full-time education for the excluded student.

‘Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is as a result of one decision to suspend the pupil for the full period or multiple decisions to suspend the pupil for several periods in a row.’

(DfE guidance Part six, paragraph 87)

Local Authorities are required to arrange full-time education from the sixth day of a permanent exclusion.

If alternative provision is being arranged by the Academy, then the following information must be included in the letter to parents: the address, contact name to whom the student should report; start and finish date and times of any such full-time education, including the times for morning and afternoon sessions where relevant (where it can reasonably be found out within the timescale).

Parents must be informed where a further suspension or permanent exclusion has been issued and the same information provided (see Appendix A for sample letters).

The principal is responsible for ensuring that the necessary paperwork relating to any suspension or exclusion is prepared as soon as possible and in any event that it is ready to be sent to the exclusion panel five school days prior to the hearing.

OCL academies must have a strategy for reintegrating students that return to an Academy following a suspension, and for managing their future behaviour. This will include a meeting with parents/carers, the student and any other relevant agencies (such as the social worker, safer schools team etc) to plan support and be clear about risk of permanent exclusion.

Exclusions Panel

The decision as to whether to reinstate a suspended or excluded student rests with the Exclusion Panel, under OCL’s Scheme of Delegation. The Exclusion Panel consists of three people:

- A Regional Director (must be a Regional Director who is independent of the academy)
- A senior leader from an Oasis Academy (or from another school outside Oasis)
- A volunteer (a Hub Council member or an appropriate community volunteer not linked to the academy where the child is based)

A Director or Head of Service will be asked to join the Exclusions Panel if any of the above are not available. National Directors of Education will not be part of an Exclusion Panel but may be used as a sounding board for Principals.

Through agreement with a relevant National Director, there may be a small number of occasions when a panel of just two is convened. (see para 97 of DfE guidance)

OCL will provide regular training for all members of Exclusion Panels and Clerks but accepts that there will be exceptional circumstances when untrained members will be asked to join or clerk for the panel. Academy-based staff cannot clerk a panel.

A senior leader from the academy will act as a student advocate for SEND and the protected characteristics during a panel meeting.

Preparing in advance of Exclusion Panel meetings

Panel members should:

- not discuss the suspension or permanent exclusion with any party outside the meeting;
- ask for any written evidence in advance of the meeting, including witness statements and other relevant information held by the school such as those relating to a pupil's SEN and the pupil's academy record;
- where possible, 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 the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the Exclusions Panel should first seek parental consent);
- invite the pupil's social worker, if they have one, and if the pupil is LAC, the Virtual School Head (VSH) to attend;
- comply with their duty to make reasonable adjustments for people who use the academy and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability with mobility or communication that has an impact upon their ability to attend the meeting or to make representations); and
- identify the steps they will take to enable and encourage the suspended or permanently excluded pupil to attend the meeting and speak on their behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding; or how the suspended or permanently excluded pupil may feed in their views by other means if attending the meeting is not possible.

Considering reinstatement of a student

The Exclusions Panel has a duty to consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the student's total number of school days of suspension to more than 15 in a term
- It would result in a student missing a public examination

The requirements are different for suspensions where a pupil would be suspended for more than five but less than 15 school days in the term. In this case, if the parents make representations, the Exclusions Panel must consider within 50 school days of receiving the notice of exclusion whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the Exclusions Panel is not required to meet and cannot direct the reinstatement of the pupil

Where an exclusion would result in a student missing a public examination, the Exclusions Panel will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Chairperson of the Exclusions Panel will consider the suspension alone and decide whether or not to reinstate the student for the public examination.

The Exclusions Panel can decide to:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, the Exclusions Panel will consider whether the exclusion or suspension was lawful, reasonable and procedurally fair and whether the Principal followed their legal duties and any evidence that was presented to the Panel in relation to the decision to exclude.

They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt'.

The Exclusions Panel must consider the interests 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.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the student's educational record.

The Chair of the Exclusions Panel will notify, in writing, the principal, parents, the child (if over 18 years of age) and the LA (including the LA in which the student resides, if different to the LA in which the Academy is located) of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Exclusions Panel's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel (IRP), and:
 1. The date by which an application for an independent review must be made
 2. The name and address to whom an application for a review (and any written evidence) should be submitted
 3. That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEN are considered to be relevant to the exclusion
 4. That, regardless of whether the excluded student has recognised SEN, parents have a right to require OCL to appoint an SEN expert to attend the IRP
 5. Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 6. That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
 7. That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the First-Tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

The following parties must be invited to a meeting of the Exclusion panel and be allowed to make representations or share information:

- parents (and, where requested, a representative or friend).
- the pupil if they are 18 years or over.
- the principal.
- the child's social worker if the pupil has one; and
- the Virtual School Headteacher if the child is LAC.

Remote Meetings

During Covid, the Department for Education issued guidance and Regulations that allowed remote Exclusion Panel and IRP meetings where it was not possible to meet due to Covid and certain requirements were met. These arrangements have expired and all hearings must now be held in person.

Communicating the outcome of the Exclusion Panel meeting

Within 24 hours the Chair of the Exclusion Panel must let **the relevant National Director (ND) and the relevant Regional Director** know if the panel's decision is to uphold the permanent exclusion. The email to the relevant ND should include: The name of the

student, boy/girl, Academy, year group, disadvantaged or other, LAC, CP, SEND and ethnicity as well as the full reason for the permanent exclusion being upheld. The OCL exclusions tracker form should be used.

The Independent Review (IRP)

If parents apply for an independent review, the Academy will arrange for an independent panel to review the decision of the Exclusion Panel not to reinstate a permanently excluded student.

Applications for an IRP of a decision to not reinstate a student by the Exclusion Panel must be made within 15 school days of notice being given to the parents of the Exclusion Panel's decision. If an IRP is not requested but a Tribunal claim is made for disability discrimination, the parents have an additional 15 school days from the date of the Tribunal's decision.

The IRP must meet within 15 school days of the notice from parents requesting an IRP be arranged.

A panel of three or five members will be constituted in accordance with the regulations and Exclusions Statutory Guidance.

The IRP will decide one of the following, to:

- Uphold the Exclusions Panel's decision;
- Recommend that the Exclusions Panel reconsider reinstatement; or
- Quash the Exclusion Panel's decision and direct that the student be reinstated (only when the decision is judged to be flawed on the basis that it is irrational, illegal or that there were significant procedural improprieties in the Exclusions Panel meeting)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

The IRP should be attended by a representative of the Exclusion Panel. The need for a representative of the Exclusions Panel is because the Principal cannot present evidence on behalf of the Panel. The decision-making function of the Exclusions Panel must have taken place without the Principal being present as otherwise this would be a breach of the exclusions procedure. Therefore, it is necessary for an Exclusions Panel representative to be present to outline how and why the Exclusions Panel's decision was made.

Parents must be advised of the right to require OCL to appoint an SEN expert to advise the IRP, regardless of whether the permanently excluded student has recognised SEN.

Academy register

A student's name will be removed from the Academy admissions register if:

- 15 school days have passed since the parents were notified of the Exclusion Panel's decision to not reinstate the student 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

Where an application for an IRP has been made, the Academy will wait until that review (and, if relevant, any reconsideration) has concluded before removing a student's name from the register.

Where alternative provision has been made for an excluded student and they attend it, code B (education off-site, if the provision is an approved educational activity that does not involve the pupil being registered at any other school) or code D (dual registration) will be used on the attendance register. Where excluded students are not attending alternative provision, code E (excluded) will be used.

Monitoring arrangements

The monitoring of exclusions is undertaken more regularly, at least each half term, by the National Education Team, through the use of the national MIS.

It is vital that Principals ensure all records of suspension or permanent exclusions are entered onto the MIS within 24 hours of the exclusion. We ask that EAs help to ensuring that the tracker is up to date.

This policy will be reviewed regularly, in line with the OCL policy review calendar.

Trustees' challenge and support

Through the Curriculum and Learning Committee Trustees look at suspensions and permanent exclusions and consider:

- instances where pupils receive repeat suspensions
- interventions in place to support pupils at risk of suspension or permanent exclusion
- rolling average of permanent exclusions to ensure they are used very sparingly
- timing of moves and permanent exclusions, and whether there are any patterns including any indications which may highlight where policies or support are not working
- the characteristics of children who are suspended or permanently excluded, removed from roll, or educated off site, such as the proportion who have SEND, whether they are supported by social care and have needed social workers, and their ethnic background. This should include considering whether any groups are permanently excluded or moving out of school at a higher rate than others, discussing why this is and whether any changes to practice are required to address disparities
- whether the placements of pupils directed off site into AP are reviewed at sufficient intervals to provide assurance the education is achieving its objectives and that the pupils are benefiting from it

- spending on AP placements

Training

The Trust organises annual training for Principals, Exclusion Panel members and clerks.

Links with other policies

This exclusions policy is linked to our

- OCL Behaviour for Learning policy
- OCL SEND policy
- OCL Student Equality and Inclusion Policy
- OCL Use of Alternative Provision Settings Policy
- OCL Safeguarding & Child Protection Policy

Statutory requirements

The DfE exclusion statutory guidance, “Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement”, July 2022

Statutory guidance means that Academies should follow this guidance, unless there is good reason not to in a particular case. It is based on the following legislation, which outline schools’ powers to exclude students:

- Section 51A of the [Education Act 2002](#),
- [The School Discipline \(Student exclusions and Reviews\) \(England\) Regulations 2012](#)

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded students
- Section 579 of the [Education Act 1996](#), which defines ‘school day’
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)
- SEND Code of Practice January 2015
- The Education Act 1996

RACI matrix

“R” for anyone who is “Responsible” for a task listed in the policy, an “A” for anyone who is “Accountable”, a “C” for anyone who must be “Consulted” under the policy and “I” for anyone who must be “Informed” about aspects of the policy.

Policy Element	Leadership			Academy		Services		Teams	
	Board	OCL CEO	OCL COO	Regional Director	Academy Principal		Governance Lead	Regional Director	Regional directors EA
Avoiding illegal exclusions	A	A			R				
Policy is kept up to date with DfE guidance		A							
Implementing preventative measures					R				
Agreeing a suspension				I	R				
Agreeing a PEX				I	R				
Formation of the Exclusions panel		I		R				C	C
Preparing evidence for the Exclusion panel				I	R				C
Organisation of IRP				I			C		C
Removal of student from academy register				I	R				C
Monitoring of policy									
Sample letters									

APPENDIX A – SAMPLE LETTERS

SAMPLE LETTER FOR SUSPENSION OF 5 DAYS OR LESS (but not more than 15 days exclusion in total for the present term)

Dear (Name of Parent or Guardian)

(Student's name) (Date of birth)

I have today made the decision to suspend your son/daughter, (**child's name**), for a period of (specify period) days.

This decision has not been taken lightly. As you know, we have tried a number of preventative strategies in an attempt to avoid exclusion that have included (**describe the support provided**).

However, today the following incident occurred...

The account should be very detailed, clear and factual, avoiding subjective or judgemental language

e.g. 'Stephen hit Mark with his fist. Mark was sitting down when Stephen hit him in the middle of his back. Mark has bruising' rather than 'premeditated aggressive and violent behaviour'.

During this suspension, work will be set and marked by the Academy. Please make arrangements to collect this from reception and return the completed work to the Academy for marking.

Your child should return to the Academy on (**date**) at (**time**) (**insert details of your Academy's re-admittance strategy here**). We will arrange for a reintegration with you to discuss (**student's name**)'s behaviour and how we can best support (**him/her**).

You have a duty to ensure that your child is not present in a public place in Academy hours during this suspension (specify dates) unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during Academy hours on the specified dates. If this is the case, it will be for you to show reasonable justification as to why your child was in a public place.

Contacts

You may find it useful to contact:

- Coram Child Law Advice service on 0300 330 5485 from Monday to Friday, 8am – 6pm.

- <https://childlawadvice.org.uk/information-pages/school-exclusion/> ACE education on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time and on the website: <http://www.ace-ed.org.uk/>.
- The National Autistic Society (Schools Exclusion Service (England) on 0808 800 4002 or through schoolexclusions@nas.org.uk.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk). IPSEA is a registered charity which offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)
- The government’s statutory guidance to schools on suspensions and exclusions At: [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101322/suspension-and-permanent-exclusion-from-maintained-schools-academies-and-pupil-referral-units-in-england-including-pupil-movement.pdf)
- School discipline and exclusions <https://www.gov.uk/school-discipline-exclusions/exclusions>

Yours sincerely

Principal

Copy to: Regional Director

SAMPLE LETTER FOR PERIOD OF SUSPENSION OF 5.5 and 15 DAYS OR LESS (but not more than 15 days suspension in total for the present term)

Dear (Name of Parent or Guardian)

(Student's name) (Date of birth)

I have today made the decision to suspend your son/daughter, (**child's name**), for a period of (specify period) days.

This decision has not been taken lightly. As you know, we have tried a number of preventative strategies in an attempt to avoid suspension that have included (**describe the support provided**).

However, today the following incident occurred...

The account should be very detailed, clear and factual, avoiding subjective or judgemental language

e.g. 'Stephen hit Mark with his fist. Mark was sitting down when Stephen hit him in the middle of his back. Mark has bruising' rather than 'premeditated aggressive and violent behaviour'.

For the first five school days of the suspension we will set work for (student's name) and would ask you to ensure this work is completed and returned promptly to the Academy for marking. Please make arrangements to collect this from reception. From the sixth school day of the exclusion onwards - i.e. from (**specify the date**) (**student's name**) will be provided with education at:

Academies are responsible for making their own arrangements for day 6 provision

[Inset details here including the address, contact name, start and finish times of full-time education, including the times for morning and afternoon sessions where relevant (where it can reasonably be found out within the timescale)]

Your child should return to the Academy on (**date**) at (**time**) (**insert details of your Academy's re-admittance strategy here**). We will arrange for a reintegration with you to discuss (**student's name**)'s behaviour and how we can best support (**him/her**).

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

You have the right to request a meeting of the Exclusion Panel to whom you may make representations and to do this you should contact (name and address of the EA to the RD).

Contacts

You may find it useful to contact:

- Coram Child Law Advice service on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- <https://childlawadvice.org.uk/information-pages/school-exclusion/> ACE education on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time and on the website: <http://www.ace-ed.org.uk/>.
- The National Autistic Society (Schools Exclusion Service (England) on 0808 800 4002 or through schoolexclusions@nas.org.uk.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk). IPSEA is a registered charity which offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)
- The government’s statutory guidance to schools on suspensions and exclusions At: [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/suspension-and-permanent-exclusion-from-maintained-schools-academies-and-pupil-referral-units-in-england-including-pupil-movement)
- School discipline and exclusions <https://www.gov.uk/school-discipline-exclusions/exclusions>

Yours sincerely

Principal

Copy to: Regional Director

SAMPLE LETTER FOR ANY SUSPENSION WHERE THE TOTAL NUMBER OF DAYS EXCEEDS 15 DAYS

Dear (Name of Parent or Guardian)

(Student's name) (Date of birth)

I have today made the decision to suspend your son/daughter, **(child's name)**, for a period of **(specify period)** days.

This decision has not been taken lightly. As you know, we have tried a number of preventative strategies in an attempt to avoid exclusion that have included **(describe the support provided)**.

However, today the following incident occurred...

The account should be very detailed, clear and factual, avoiding subjective or judgemental language

e.g. 'Stephen hit Mark with his fist. Mark was sitting down when Stephen hit him in the middle of his back. Mark has bruising' rather than 'premeditated aggressive and violent behaviour'.

For the first five school days of the exclusion we will set work for **(child's name)** and would ask you to ensure this work is completed and returned promptly to the Academy for marking. Please make arrangements to collect this from reception. From the sixth school day of the exclusion onwards - i.e. from **(specify the date)**

Academies are responsible for making their own arrangements for day 6 provision

[Insert details here including the address, contact name, start and finish times of full-time education, including the times for morning and afternoon sessions where relevant (where it can reasonably be found out within the timescale)]

Your child should return to the Academy on **(date) at (time) (insert details of your Academy's re-admittance strategy here)**. We will arrange for a reintegration with you to discuss **(student's name)**'s behaviour and how we can best support **(him/her)**.

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

As the length of the exclusion is more than 15 days in total in one term the Exclusion Panel must meet to consider the exclusion. You will be invited to the review meeting, where you can give your views to the Exclusion Panel if you wish. The latest date on which the Exclusion Panel can meet is **(insert date here – no later than 15 school days from the date that the Regional Director is notified)**.

If you wish to make representations to the Exclusion Panel you can do so in writing or you can attend to speak to the Exclusion Panel in person. You can, if you wish, be accompanied by a friend or representative. Please advise **(name of contact) on/at (contact details – address, phone number, email)** as soon as possible, if you have a disability or special needs which would affect your ability to attend a meeting at the Academy. Also, please inform **(name of contact)** if it would be helpful for you to have an interpreter present at the meeting.

You will, whether you choose to make representations or not, be notified by the clerk to the Exclusion Panel of the time, date and location of the meeting.

Contacts

You may find it useful to contact:

- Coram Child Law Advice service on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- <https://childlawadvice.org.uk/information-pages/school-exclusion/> ACE education on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time and on the website: <http://www.ace-ed.org.uk/>.
- The National Autistic Society (Schools Exclusion Service (England) on 0808 800 4002 or through schoolexclusions@nas.org.uk.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk). IPSEA is a registered charity which offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)
- The government's statutory guidance to schools on suspensions and exclusions At: [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/suspension-and-permanent-exclusion-from-maintained-schools-academies-and-pupil-referral-units-in-england-including-pupil-movement)
- School discipline and exclusions <https://www.gov.uk/school-discipline-exclusions/exclusions>

Yours sincerely

Principal

Copy to: Regional Director

SAMPLE LETTER FOR A PERMANENT EXCLUSION

Dear (Name of Parent or Guardian)

(Student's name) (Date of birth)

I regret to inform you of my decision to permanently exclude (**child's name**) with effect from (**date**). This means that (**child's name**) will not be allowed in this Academy unless he/she is reinstated by the Exclusion Panel.

I realise that this exclusion may be upsetting to you and your family, but the decision to permanently exclude (**child's name**) has not been taken lightly. (**Child's name**) has been excluded because:

The reason for the exclusion should be given in plain English and should be explicit. The Principal should make it clear that s/he has investigated the incident fully, has checked whether the incident was provoked by racial or sexual harassment and allowed the student to give their version of events.

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

For the first five school days of the exclusion we will set work for (**student's name**) and would ask you to ensure this work is completed and returned promptly to the Academy for marking. Please make arrangements to collect this from reception.

If student lives in the LA

From the sixth school day of the exclusion onwards — i.e. from (**specify the date**) Local Authority will provide suitable full-time education. The Alternative Provision School will contact you by letter detailing the arrangements.

If student lives in a different Local Authority:

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

As this is a permanent exclusion the Exclusion Panel must meet to consider it. The Exclusion Panel has the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may ask for the decision to be reviewed by an Independent Review Panel. The latest date by which the Exclusion Panel can meet is (**specify date – the 15th school day after the date on which the Regional Director was notified of the exclusion**).

If you wish to make representations to the Exclusion Panel you can do so in writing or you can attend to speak to the Exclusion Panel in person. You can, if you wish, be accompanied by a friend or representative. Please advise **(name of contact) on/at (contact details – address, phone number, email)** as soon as possible, if you have a disability or special needs which would affect your ability to attend a meeting at the Academy. Also, please inform **(name of contact)** if it would be helpful for you to have an interpreter present at the meeting.

You will, whether you choose to make representations or not, be notified by the clerk to the Exclusion Panel of the time, date and location of the meeting.

Contacts

You may find it useful to contact:

- Coram Child Law Advice service on 0300 330 5485 from Monday to Friday, 8am – 6pm.
<https://childlawadvice.org.uk/information-pages/school-exclusion/> ACE education on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time and on the website: <http://www.ace-ed.org.uk/>.
- The National Autistic Society (Schools Exclusion Service (England) on 0808 800 4002 or through schoolexclusions@nas.org.uk.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk). IPSEA is a registered charity which offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)
- The government's statutory guidance to schools on suspensions and exclusions At: [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/suspension-and-permanent-exclusion-from-maintained-schools-academies-and-pupil-referral-units-in-england-including-pupil-movement.pdf)
- School discipline and exclusions <https://www.gov.uk/school-discipline-exclusions/exclusions>

Yours sincerely

Principal

Copy to: Regional Director

SAMPLE LETTER FOR NOTIFYING PARENTS/CARERS FOR THE EXCLUSION PANEL MEETING

FROM THE CLERK TO THE EXCLUSION PANEL INVITING PARENT/CARER TO EXCLUSION PANEL MEETING

Please delete the information in 'italics' before sending the letter.

Dear [*Parent's name*]

Re: Permanent Exclusion of [*NAME OF STUDENT*] – [*DOB:*]

I am writing to confirm that the Exclusion Panel will meet in person to consider [***STUDENT NAME'S***] permanent exclusion on [***DAY and DATE***]. The meeting will start at [***TIME***]. The meeting will be held at (***enter location and address***). Please come to (*reception*) 10 minutes before the scheduled start

You and [***STUDENT NAME***] are invited to attend this meeting. [***STUDENT NAME***] should attend the meeting in full Academy uniform.

If you wish to be accompanied to the meeting by a friend or representative please let me know in advance of the meeting. [***include if required***] **Please advise me immediately if you need an interpreter present at the meeting so that I may make arrangements.**

You have the right to make representations, both in writing before the meeting and by speaking at the meeting, if you wish. Should you choose to submit written information please send this to me before the hearing so that I may forward it to the Exclusion Panel.

The people serving on the Exclusion Panel will be [***NAME and title 1***], [***NAME and title 2***] and [***NAME and title 3***]. The meeting will be noted by the clerk to the Exclusion Panel.

A copy of all the paperwork related to the exclusion will be sent out to you in advance of the meeting.

In the meantime if you have any questions please do not hesitate to get in touch with me.

Yours sincerely

Clerk to the Exclusion Panel

CC: Members of the Exclusion Panel

CC: Principal

CC: Regional Director

CC: Local Authority

SAMPLE LETTER - TO BE USED BY THE CLERK TO THE EXCLUSION PANEL WHEN WRITING TO THE PARENT/CARER CONFIRMING THE PANEL'S DECISION TO UPHOLD THE PERMANENT EXCLUSION.

Dear **[Parent/Carer's name]**

The meeting of the Exclusion Panel at **[name of Academy]** on **[date]** considered the decision by **[Principal]** to permanently exclude your **[son/daughter]**, **[student name]**.

The Exclusion Panel considered the interests and circumstances of **[student name]**, including the circumstances in which **he/she** was excluded, as well as the interests of other pupils and people working at the school. The Panel considered whether the decision to exclude **[student name]** was lawful, reasonable and procedurally fair, taking account of the Principal's legal duties and any evidence that was presented to the Exclusion Panel in relation to the decision to exclude.

After carefully considering the representations made and all the available evidence, we have decided to uphold **[student name]**'s permanent exclusion.

The reasons for the Exclusion Panel's decision are as follows:

[give reasons in as much detail as possible, explaining how the committee arrived at its decision. The following headings may be helpful in considering the relevant points made with the questions in the checklist at Appendix E used to ensure all elements are covered:]

Lawful

Rational

Procedural Fairness

You have the right to ask for the decision to be reviewed by an Independent Review Panel (IRP). If you wish to request a review please notify **(name and address details of Academy's person dealing with arrangements for setting up an Independent Review Panel)** that you wish to apply for a review of the decision in respect of the permanent exclusion by no later than **[specify the latest date – 15 school days (after the day on which notice in writing was given of the Exclusion Panel decision to the parents. Where notification was given by first class post, it is treated as having been given on the 2nd working day after which it was posted if sent by first class mail)]**. Your application for review must state your reasons as to why you are requesting a review and any written evidence should also be submitted. Where appropriate, you should include a reference to how the student's special educational needs are considered to be relevant to the exclusion.

If you have not lodged a request for a review by **[repeat latest date]**, your right to request a review will lapse. Please advise **[contact]** if you have a disability or special needs which would affect your ability to attend a review. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the review meeting.

Regardless of whether your child has recognised special educational needs (SEN), you have the right to request an SEN Expert to attend the review. There would be no cost to you for this appointment. The SEN expert is there to provide impartial advice to the panel on how special educational needs might be relevant to the exclusion. Please make it clear in your application whether you wish for an SEN expert to be appointed.

If you decide to request a review, it will be heard by an IRP. You may be accompanied by a friend and/or, at your own expense, appoint someone to make written and/or verbal representations on your behalf. A three-member panel would comprise one serving or recently retired (within the last five years) head teacher/principal, one serving or recently serving, school/Academy governor and one lay member, who would be chairperson. The IRP would rehear all the facts of the case - if you have fresh evidence to present to the Panel you may do so. The Panel are required to meet no later than the 15th school day after the date on which a review request is lodged. In exceptional circumstances, panels may adjourn a hearing until a later date.

In determining your review the IRP must make one of three decisions:

- they may uphold your child's exclusion;
- they may recommend that OCL reconsiders its decision; or
- they may quash the panel's decision and direct that OCL considers the exclusion again.

In addition to the right to apply for a review by an IRP, if you believe that the exclusion has occurred as a result of discrimination, you may make a claim under the Equality Act 2010 to the First-tier Tribunal (special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which your child was excluded.

The arrangements currently being made for **[student's name]**'s education will continue. **[specify details here]**.

I would like to remind you of the following sources of advice and assistance:

The Local Authority Exclusions Team.

The Team can provide advice concerning the exclusion process.

Tel:

Email address: (as appropriate)

You may find it useful to contact:

- Coram Child Law Advice service on 0300 330 5485 from Monday to Friday, 8am – 6pm.
<https://childlawadvice.org.uk/information-pages/school-exclusion/> ACE education on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time and on the website: <http://www.ace-ed.org.uk/>.
- The National Autistic Society (Schools Exclusion Service (England) on 0808 800 4002 or through schoolexclusions@nas.org.uk.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk). IPSEA is a registered charity which offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)
- The government’s statutory guidance to schools on suspensions and exclusions At: [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/suspension-and-permanent-exclusion-from-maintained-schools-academies-and-pupil-referral-units-in-england-including-pupil-movement)
- School discipline and exclusions <https://www.gov.uk/school-discipline-exclusions/exclusions>

Yours sincerely

[Name]

Clerk to Exclusion Panel

SAMPLE LETTER FROM THE CLERK TO PARENT(S) OVERTURNING A PERMANENT EXCLUSION.

Dear **[Parent/Carer's name]**

The meeting of the Exclusion Panel at **[name of Academy]** on **[date]** considered the decision by the Principal to permanently exclude **[student name]**. The Panel, after carefully considering the representations made and all the available evidence, overturned the Principal's decision to exclude **child's name** from the Academy.

The reasons for the Exclusion Panel's decision are as follows: **[give reasons in as much detail as possible, explaining how the committee arrived at its decision]**.

Your child may therefore return to the Academy on **[time & date]**.

To support **child's name's** return and reintegration to the Academy the following will be organised.....

A copy of this letter will be placed on **[his/her]** their record. Please note that it is not possible to delete all record of this exclusion having been imposed, but the child's file will make it clear that it was subsequently overturned by the Panel.

You may find it useful to contact:

- Coram Child Law Advice service on 0300 330 5485 from Monday to Friday, 8am – 6pm.
<https://childlawadvice.org.uk/information-pages/school-exclusion/> ACE education on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time and on the website: <http://www.ace-ed.org.uk/>.
- The National Autistic Society (Schools Exclusion Service (England) on 0808 800 4002 or through schoolexclusions@nas.org.uk.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk). IPSEA is a registered charity which offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)
- The government's statutory guidance to schools on suspensions and exclusions At: [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/suspension-and-permanent-exclusion-from-maintained-schools-academies-and-pupil-referral-units-in-england-including-pupil-movement)
- School discipline and exclusions <https://www.gov.uk/school-discipline-exclusions/exclusions>

Yours sincerely,

Clerk to the Exclusion Panel

CC: Regional Director, CC: LA Exclusions representative

APPENDIX B – INFORMATION TO CONSIDER COLLATING FOR AN EXCLUSION PANEL

(THIS IS NOT AN EXHAUSTIVE LIST)

- Attendance sheet (current academic year)
- Suspension letters plus evidence relating to them
- Behaviour log/chronology including:
 - ✓ description of incidents of poor behaviour
 - ✓ sanctions/actions taken and by whom
 - ✓ support strategies
- Evidence of incidents including:
 - ✓ witness accounts from adults and students
 - ✓ the account of the excluded student
 If appropriate:
 - ✓ summary of incidents
 - ✓ photographic evidence
 - ✓ accident/incident reports
- Examples of parental involvement e.g. letters, logged telephone calls, minuted meetings.
- Most recent academic report
- Additional evidence of support strategies:
 - ✓ BSS consultation sheets/placement report
 - ✓ progress reports from outside agencies
 - ✓ educational psychologist's report
 - ✓ social care and health
 - ✓ CAMHS referral
 - ✓ YISP/YOTS intervention
 - ✓ behaviour contracts
 - ✓ mentoring progress reports
- For students on the SEND register:
 - ✓ EHCP (if relevant)
 - ✓ Latest individual support plan and review (if applicable)
 - ✓ PSP documentation
 - ✓ PPP and CRISP assessment
 - ✓ CAF process documentation

APPENDIX C - BEST PRACTICE EVIDENCE PACK

TABLE OF CONTENTS

EXAMPLE

DOCUMENT TITLE	PAGE NUMBER
Cover sheet-overview of the student during their time at the Academy	
Incidents, serious incidents related to breaches of Academy policy – a chronology	
Incident Details [this is usually the incident directly leading to the PEX]	
PEX documentation including letter to parent advising of the PEX	
Interventions / support put in place	
PSP with review dates/targets	
Communication with parent/guardian, letters home etc	
Minutes of formal behaviour panel meetings	
Safeguarding information	

APPENDIX D – AGENDA FOR EXCLUSION PANEL MEETINGS

TO CONSIDER SUSPENSIONS/EXCLUSIONS

ADVICE:

- Hold the meeting in a neutral part of the Academy. Don't hold it in the Principal's office.
- Don't invite the Principal and LA rep into the meeting before the family.
- Have a written agenda
- Have the meeting minuted – a good written record is essential – particularly re questions and answers. Ensure that the Clerk hasn't had direct involvement with the exclusion of incidents or family.
- Allow sufficient time for the meeting to take place.
- Adjourn? If any party has not received the papers it is wise to take the decision to adjourn and this needs to be minuted by the Clerk.
- Have regard to Academy policies – behaviour, equal opportunities, drugs etc.
- Give all parties the opportunity to speak – Academy, family, representatives, LA, student.
- Ask questions of the Academy and family – clarify, incident, investigation.
- Don't answer questions that the Principal should be responding to.
- Don't 'tell off' the excluded student.
- Ask what has been done to avoid exclusion – strategies, support etc. Could the Academy have done more to avoid exclusion?
- Distinguish between one-off/cumulative exclusion – clarify with Principal.
- Are you satisfied with investigations – any provocation, bullying? Are the witness accounts thorough? Has the Academy complied with the DfE and Oasis Exclusion Guidance?
- Be aware of treatment regarding other students involved. Are there different sanctions for others involved?

AGENDA

1. Chair of the meeting introduces him/herself and asks all parties to introduce themselves.
2. The Clerk checks that all present have received the appropriate written information at the same time and explains to the parents/carers, the student and their representative that the purpose of the meeting is to decide whether the Panel will consider reinstatement or confirm the permanent exclusion of the student to the Academy, and that there will be an opportunity for questioning by the other parties after each presentation.
3. They must also explain that the outcome of the meeting will be communicated to all parties by a letter confirming the decision. The letter must be sent to the parent(s)/carer(s), Principal and Local Authority Exclusions Team without delay. A

telephone call or face to face feedback is not an option because many panels will take many hours or longer to reach a decision

4. The Chair of the Panel, supported by the Clerk must write to parents/carers giving the Panel's decision, an explanation of how the Panel reached its decision and details of how to appeal against the Panel's decision.
5. Chair of the meeting invites the Principal to explain the reasons for the permanent exclusion of the student.
6. All parties may ask questions.
7. The Chair asks the parent(s)/carer(s) (and their representative where present) to make their representations regarding the exclusion.
8. All parties may ask questions.
9. The Chair invites the student (or representative) to make any comments about their exclusion.
10. All parties may ask questions.
11. If present and the Local Authority officer is asked to give their views on the case.
12. All parties may ask questions.
13. The Chair invites the Principal to sum up the case.
14. The Chair invites the parent(s)/carer(s) to sum up his/her case.
15. Parent(s)/carer(s), student, representative, principal, Local Authority officer (if present) and others are asked to withdraw whilst a decision is made. (NB. Details on how the Panel will communicate the decision will already have been given to all parties upon commencement of the meeting - see point 3).
16. The Clerk may stay with the committee to help them with reference to his/her notes of evidence and in wording their decision.
17. The Panel reaches a decision regarding the reinstatement or otherwise of the student.
18. If requested, minutes of the meeting should be available to any of the parties present.

APPENDIX E – EXCLUSION AND SUSPENSION CHECKLIST

FOR PRINCIPALS AND REGIONAL DIRECTORS

The checklist is for guidance. It is not mandatory for each exclusion/suspension.

Policy and document section	Who was involved in this process for checking or discussion?	When was this done?	What type of evidence was reviewed and where is that stored?
DFE guidance – read the guidance making sure it is the most recent version			
Read the Oasis Policy			
Academy should give consideration to a multi-agency assessment that goes beyond the student's educational needs			
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 student may have			
Principals should consider what extra support might be needed to identify and address the needs of students from key vulnerable groups in order to reduce their risk of exclusion, for example: students eligible for Free School Meals; Looked After Children and students from certain ethnic groups including Gypsy / Roma, Travellers of Irish Heritage and Black Caribbean communities			
Referral to specific support service may be dependent on individual circumstances include e.g. Educational Psychologist An Advisory Teaching Service Speech and Language Therapy Service Families support services Youth Support Services Children and Young People's Service Alternative Provision School or another Alternative Provider Voluntary Sector Support Services.			

<p>Principals must take account of their statutory duties under the SEND Code of Practice when administering the exclusion process. They should, as far as possible, avoid excluding permanently any student with an Education Health and Care Plan (EHCP). Where an Academy identifies a student with an EHCP who is at serious risk of disaffection or exclusion, an interim or early review should be called. It will then be possible to consider the student's changing needs and provision as an alternative to the student being excluded or suspended.</p>			
<p>Have alternatives to permanent exclusion been considered for example directing to alternative provision or arranging a managed move? Is it a last resort?</p> <p>A Managed Move is defined as a formal agreement between two schools, a student and their parents. It allows a student at risk of permanent exclusion to transfer to another school. The move requires the agreement of the child's parent, the Principal of the student's school, the Principal or head teacher of the proposed school, and the LA. A Managed Move is never an early or first response when a student is failing at school because of behaviour. Rather, it should be considered as part of a measured response to supporting their emotional social and behavioural needs. It is likely to be a strategy considered in the later stages of a support plan where there is little or no evidence of success</p>			
<p>Academies must apply their behaviour policies in a non-discriminatory way with due regard to the Equality Act 2010. This Act requires Academies to make reasonable adjustments for disabled pupils and not to discriminate against a pupil due to any protected characteristic.</p>			
<p>Principals should take account of any contributing factors that are identified after an incident of poor behaviour has occurred (e.g. where it comes to light that a student has suffered bereavement, has mental health issues or has been subject to bullying.)</p>			

<p>Principals must take account of their legal duty of care when sending a student home following the exclusion. The head teacher should also give particular consideration to the fair treatment of students from groups who are vulnerable to exclusion. Principals should ensure that:</p> <ul style="list-style-type: none"> • They are meeting their legal duty of care towards students. Parents must be formally notified of the exclusion and the student must not be placed at risk by, for example, being sent home without adequate supervision. • Child protection issues are taken into account e.g. bearing in mind the child's age and vulnerability. 			
<p>Principals should consider whether any student may be at risk of Child Sexual Exploitation (CSE) and the implications of this on the decision to exclude. Exclusion from an Academy or unexplained absences from an Academy is a risk indicator on the CSE screening tool.</p>			
<p>Working with the Principal, the Designated Safeguarding Lead (DSL) is responsible for maintaining a confidential record of all students for whom there are Child Protection (CP) issues or who have a Child Protection Plan (CPP) and for managing the education contribution to the CPP.</p>			
<p>A student, for whom there are CP issues, is more at risk of harm if their family is placed under unexpected stress. Any exclusion can create stress and each Academy should have systems that allow current information about a student's situation to be considered when the Principal is thinking about exclusion.</p> <p>The DSL can advise the Principal and contact children's social care before the Principal takes action to exclude or suspend. In discussion with the Principal or DSL, the social worker may decide to call a core group meeting for children with CP issues to plan how to ensure the student is kept safe from significant harm. The Principal will normally consult a student's social worker before making the decision to exclude or suspend. In some cases, it may be appropriate for the Principal to delay the dates for exclusion/suspension e.g. 2-3 days to allow the social worker to plan how to ensure the student is kept safe from significant harm during the absence from the academy. The Principal may issue an internal exclusion for the intervening days in the Academy.</p>			

<p>If a parent does not comply with the exclusion/suspension, by sending the excluded student to the Academy, or by refusing to collect, or arrange collection of the student, the Academy must consider the student's safety in deciding what action to take. Any suspension/exclusion should not be enforced if doing so may put the safety of the student at risk. The social worker may help to resolve the issue with the parents of any student with a CP issues</p>			
<p>Academies can still use internal exclusions. Such exclusions are served on the Academy site and are not treated as an exclusion from the Academy. Internal exclusion may be more appropriate in cases where a student is a Child in Care (CiC) who is subject to a Child Protection Plan, or for whom the Principal believes formal exclusion might pose a safeguarding risk.</p>			
<p>Children in Care / Looked After Children are a group of students who are vulnerable to exclusion. The LA Virtual School Head must be contacted as soon as it appears likely that the student will be suspended or permanently excluded. LA protocol should be followed when CiC/LAC children are suspended/excluded.</p> <p>Where a Looked After Child is suspended or permanently excluded, the Virtual School Head and social worker will be informed of the decision without delay. The Virtual School Head and social worker will also be invited to any Exclusion Panel meeting.</p>			
<p>When establishing the facts in relation to an exclusion the Principal must apply the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true.</p>			
<p>Evidence could consist of witness statements, photographs, screen shots from social network sites, physical evidence or behaviour incident records. In the case of exclusions for persistent disruptive behaviour, head teachers should also provide evidence that preventative measures have been used.</p>			
<p>Principals should give students the opportunity to present their views before taking the decision to exclude or suspend.</p>			

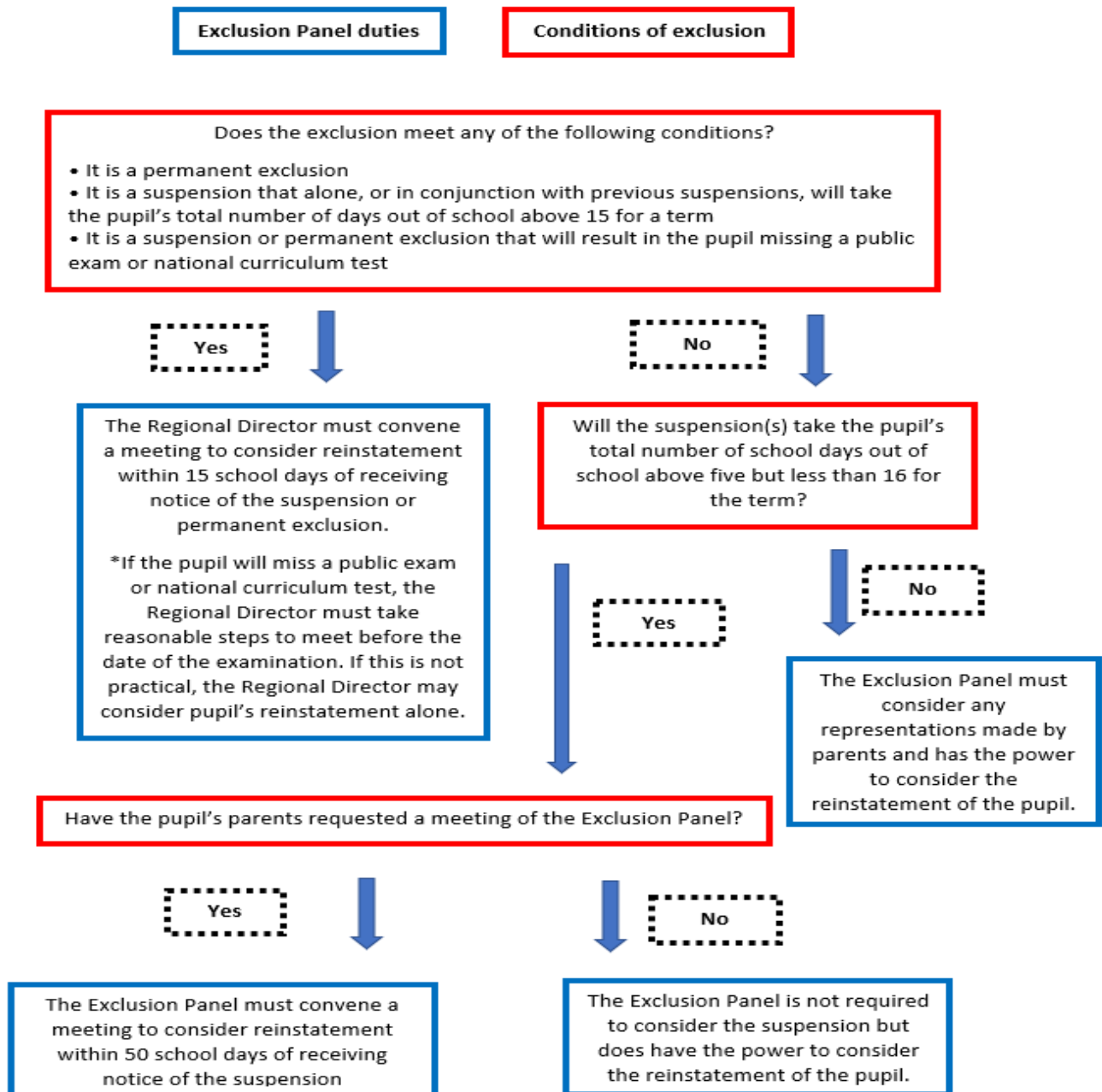
<p>All witness statements should be attributed, signed and dated, unless the Academy has good reason to wish to protect the anonymity of the witness, in which case, the statement should at least be dated and labelled in a way that allows it to be distinguished from other statements.</p> <p>The following advice is taken from Witness Statements Preparation Guide, European Human Rights Advocacy Centre, 2008.</p> <p><i>If an adult is writing down the statement of a young person, or asking a student to write their own statement, they must avoid using leading questions. Useful questions might include:</i></p> <ul style="list-style-type: none"> • <i>When did the incident take place?</i> • <i>Where was the witness at the time and what was he or she doing?</i> • <i>Who was the witness with and what did the witness see?</i> • <i>What did each person say or do?</i> 			
<p>Statements should be factual and in the words of the witness: 'I did this...', and 'I saw...'. Statements could also include photos, maps, sketches or diagrams.</p>			
<p>Principals need not postpone taking a decision about an exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, Principals will need to take a decision on the evidence available to them at the time. It may be advisable, where the evidence is not clear-cut or is still coming to light, to first suspend the student for a fixed period.</p>			
<p><u>Suspension</u> A student may be suspended for one or more periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period. 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.</p>			
<p>Suspensions be for the shortest time necessary. Ofsted inspection evidence suggests 1-3 days are often long enough. A longer period of suspension may have adverse educational consequences.</p>			

<p>A lunch-time suspension should be recorded as a half day.</p>			
<p>Academies should take reasonable steps to set and mark work for students during the first five days of an exclusion. Work that is provided should be accessible and achievable by students outside of the Academy.</p>			
<p><u>Permanent exclusion</u> A decision to exclude a student permanently should only be taken:</p> <ul style="list-style-type: none"> • in response to serious or persistent breaches of the Academy’s behaviour policy; and • Where allowing the student to remain in the Academy would seriously harm the education or welfare of the student or others in the Academy. <p>Where practical, Principals should give a student a final opportunity to present their case before taking the decision to exclude.</p> <p>While current government guidance provides no examples of what a serious breach of the Academy’s behaviour policy might be, Principals might reasonably consider permanent exclusion in the following, as cited in previous government guidance:</p> <ul style="list-style-type: none"> • serious actual or threatened violence against another student or member of staff • sexual abuse or assault • supplying an illegal drug • carrying an offensive weapon 			
<p><u>Informing parents</u> The Principal must, without delay notify parents of the period of an exclusion and the reasons for it, their legal responsibilities during the first five days of their child’s exclusion and follow up in writing with:</p> <ul style="list-style-type: none"> • the reasons for the exclusion; • the period of a suspension or, the fact that it is permanent; • parents’ right to make representations about the exclusion to the panel and how the student may be involved with this • where the Exclusion Panel is legally required to consider the exclusion/suspension, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend. 			
<p>The Academy must inform parents of the days on which they must ensure that the student is not present in a public place at any time during Academy hours,</p>			

for the first 5 days of any exclusion and that a Penalty Notice can be issued if they fail to ensure this.			
From the sixth day of a suspension, Academies are required to arrange alternative full-time education for the excluded student.			
Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is as a result of one suspension or more than one suspension. Local Authorities are required to arrange full-time education from the sixth day of a permanent exclusion.			
If alternative provision is being arranged by the Academy, then the following information must be included in the letter to parents: the address, contact name to whom the student should report; start and finish date and times of any such full-time education, including the times for morning and afternoon sessions where relevant (where it can reasonably be found out within the timescale).			
Parents must be informed where a further suspension or a permanent exclusion has been issued.			
<u>Informing the Regional Director and the Local Authority</u> The Principal must, without delay, notify the Regional Director, and the Local Authority of any permanent exclusion or any suspension			
Academies should have a strategy for reintegrating students that return to the Academy following a suspension, and for managing their future behaviour.			
<u>Considering reinstatement of a student</u> The Exclusions Panel have a duty to consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if: <ul style="list-style-type: none"> • The exclusion is permanent • It is a suspension which would bring the student's total number of school days of exclusion to more than 15 in a term • It would result in a student missing a public examination 			

<p>Where a suspension would result in a student missing a public examination, the Exclusions Panel will consider the reinstatement of the student before the date of the examination.</p>			
<p><u>Academy register</u> A student's name will be removed from the Academy admissions register if:</p> <ul style="list-style-type: none"> • 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or • The parents have stated in writing that they will not be applying for an independent review panel <p>Where an IRP has been requested, the student will be removed from the roll only if either:</p> <ul style="list-style-type: none"> • The IRP uphold the exclusion; or • The IRP direct or recommend reconsideration, and upon reconsideration, the exclusion is upheld by the reconsideration Exclusion Panel. 			
<p>Academies monitor the number of exclusions every term and report back to their Regionals Director. They also liaise with the local authority to ensure suitable full-time education for excluded students.</p>			
<p>Have the correct letters been used?</p>			
<p>Have all timescales been met?</p>			
<p>Has the SEND and Behaviour for Learning Policy been read and followed?</p>			

APPENDIX F – A SUMMARY OF THE EXCLUSION PANEL’S DUTIES TO REVIEW THE PRINCIPAL’S SUSPENSION/EXCLUSION DECISION



APPENDIX G – AN EXAMPLE OF AN AGENDA FOR AN EXCLUSION PANEL MEETING AFTER 15 DAYS OF SUSPENSIONS

Exclusion Review Agenda

Agenda Item	Suggested Timings
<ul style="list-style-type: none"> - Chair opens the meeting and makes introductions - Clerk ensures that all parties have received relevant paperwork and explains the purpose of the meeting is for the panel to decide whether to uphold or overturn the fixed term exclusions. Clerk to inform parents that outcome of the meeting will be sent to the parents/carers in writing. 	5 minutes
<ul style="list-style-type: none"> - Chair invites the Principal to explain the reasons behind the fixed term exclusions. - All parties may ask questions. 	10 minutes
<ul style="list-style-type: none"> - Chair invites parents/carers and representative to make their representations regarding the fixed term exclusions. - All parties may ask questions. 	10 minutes
<ul style="list-style-type: none"> - Chair invites the student involved to comment on the exclusions. - All parties may ask questions. 	10 minutes
<ul style="list-style-type: none"> - Chair invites the principal to sum up the case. 	5 minutes
<ul style="list-style-type: none"> - Parents/carers, student, representatives and Principal leave the meeting. - Panel consider all the information and make a decision whether to uphold or overturn the fixed term exclusions. 	20 minutes

The panel should consider whether the decision to exclude was fair, lawful and procedurally correct.

Document Control

Changes History

Version	Date	Owned and Amended by	Recipients	Purpose
1.0	30 th October 2017	Chris Chamberlain	All OCL Principals	Updated legislation
1.1	5 th March 2018	Chris Chamberlain	All OCL Principals	Additional detail
1.2	8 th March 2019	Chris Chamberlain	All OCL Principals	Additional detail
1.3	31 st August 2019	Chris Chamberlain	All OCL Principals	Additional detail
1.4	5 th October 2020	Chris Chamberlain	All OCL Principals	Additional detail
1.5	27 th April 2021	Chris Chamberlain	All OCL Principals	Additional detail
1.6	January 2022	Chris Chamberlain	All OCL Principals	Additional detail
1.7	July 2022	Chris Chamberlain	All OCL Principals	DfE Consultation
1.8	August 2022	Chris Chamberlain	All OCL principals	New DfE guidance
1.8	30 th January 2023	Sarah Graham	Re-uploaded	Removed typo p42

Policy Tier

- Tier 1
- Tier 2
- Tier 3
- Tier 4

Owner

Chris Chamberlain

Contact in case of query

chris.chamberlain@oasisuk.org

Approvals

This document requires the following approvals.

Name	Position	Date Approved	Version
John Murphy	CEO, OCL	30 th October 2017	1.0
John Murphy	CEO, OCL	5 th March 2018	1.1
John Murphy	CEO, OCL	8 th March 2019	1.2
John Murphy	CEO, OCL	8 th September 2019	1.3
National Education Team	NET	September 2019	1.3
John Murphy	CEO, OCL	5 th October	1.4
Directors' group	Directors	May 2021	1.5
Directors' group	Directors	Jan 2022	1.6
Directors' group	Directors	July 2022	1.7
Directors' Group	Directors	18 October 2022	1.8

Position with the Unions

Does the policy or changes to the policy require consultation with the National Unions under our recognition agreement?

- Yes
 No

If yes, the policy status is:

- Consulted with Unions and Approved
 Fully consulted (completed) but not agreed with Unions but Approved by OCL
 Currently under Consultation with Unions
 Awaiting Consultation with Unions

Date & Record of Next Union Review

Location

Tick all that apply:

- OCL website
 Academy website
 Policy portal
 Other: state

Customisation

- OCL policy
 OCL policy with an attachment for each academy to complete regarding local arrangements
 Academy policy
 Policy is included in Principals' annual compliance declaration

Distribution

This document has been distributed to:

Name	Position	Date	Version
All OCL Principals	Principal	1 st September 2019	1.3
All OCL Principals	Principal	5 th October 2020	1.4
All OCL Principals	Principal	May 2021	1.5
All OCL Principals	Principal	January 2022	1.6
All OCL Principals	Principal	July 2022	1.7
All OCL Principals	Principal	October 2022	1.8