

The GALLERY TRUST



A community of special schools

Suspension and Exclusion Policy

Date of Policy	October 2022
Date of review	October 2023
SLT Lead	Chief Executive Officer
Signed:	
Chief Executive Officer	
Chair of Trustees	

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1. Aims

The Gallery Trust is committed to following all statutory suspension and exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our schools aim to:

- ensure that the exclusions process is applied fairly and consistently
- help trustees and Local Academy Board members, staff, parents and pupils understand the exclusions process
- ensure that pupils in school are safe and happy
- prevent pupils from becoming NEET (not in education, employment or training)
- ensure all suspensions and permanent exclusions are carried out lawfully

Our schools will comply with the Duties under the Education and Inspections Act 2006. Headteachers will carry out their role with a view to:

- promoting, among pupils, self-discipline, and proper regard for authority
- encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils
- securing that the standard of behaviour of pupils is acceptable
- securing that pupils complete any tasks reasonably assigned to them in connection with their education, and
- otherwise regulating the conduct of pupils

A note on off-rolling

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

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

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent or carer to encourage them to remove their child from the school

2. Legislation and statutory guidance

This policy complies with statutory guidance from the Department for Education and all aspects of the policy will be followed in full: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#)

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded pupils.
- Section 579 of the [Education Act 1996](#), which defines 'school day'.
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#).
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

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

3. Definitions

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

Permanent exclusion: When a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Off-site direction: When a governing board of a maintained school or academy requires a pupil to attend another education setting temporarily, to improve their behaviour.

Parent: Any person who has parental responsibility and any person who has care of the child.

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

Head Teacher: This term includes the post holders of Executive Head Teacher, Head Teacher, Associate Head Teacher and Head of School.

Governing Board: The Governing Board of all schools in The Gallery Trust is The Board of Trustees. The approval, oversight and monitoring the implementation of this policy will be completed by the Schools and Education Committee, of The Board of Trustees.

4. Roles and responsibilities

4.1 The headteacher

Deciding whether to suspend or exclude

Only the headteacher, or acting headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). The headteacher will only use permanent exclusion as a last resort.

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

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a pupil, the headteacher will:

- consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- allow the pupil to give their version of events
- consider whether the pupil's special educational needs (SEN) have significantly contributed to the breach of the school's behaviour policy
- consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- consider whether all alternative solutions have been explored, such as off-site direction or managed moves

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The headteacher should not reach their decision until they have made best endeavours to hear from the pupil, and will inform the pupil of how their views were taken into account when making the decision, unless it would not be appropriate to do so.

Reasons and recording exclusions

We are clear that we trust headteachers to use their professional judgement based on the individual circumstances of the case when considering whether to exclude a pupil. The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

This list is non-exhaustive and is intended to offer examples rather than be complete or definitive. The Department of Education collects data on suspensions and permanent exclusions from all state-funded schools via the termly school census. Schools must provide information via the school census on pupils subject to any type of suspension or permanent exclusion in the previous two terms. Up to three reasons can be recorded for each suspension or permanent exclusion (where applicable).

Additionally, within 14 days of receiving a request, the governing board will provide the Secretary of State with information about any suspensions or exclusions within the last 12 months.

Informing parents

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents/carers as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

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

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that

their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies

- Parents may be given a fixed penalty notice or prosecuted if they fail to do this

If alternative provision is being arranged, the following information will be included, if possible:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information the pupil needs in order to identify the person they should report to on the first day

If the headteacher does not have the all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

Informing the governing board

The headteacher will, without delay, notify the governing board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam

The headteacher will notify the governing board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

Informing the local authority (LA)

The headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the headteacher will inform **the social worker** as early as possible
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the headteacher will inform **the VSH** as early as possible

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation
- As referred to above, the headteacher will report to the governing board once per term on the number of cancellations
- The pupil will be allowed back in school

Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom or Oak Academy may be used for this. The headteacher will make sure that reasonable adjustments are made to the provision to ensure that it is appropriate for the Special Educational Needs and Disabilities of the pupil.

For any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative

provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered.

If the pupil is looked after or if they have a social worker, the school will work with the LA, if appropriate, to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways, where possible.

4.2 The Board of Trustees

Considering suspensions and permanent exclusions

Responsibilities regarding exclusions are delegated to a Disciplinary Committee of The Board of Trustees.

The Disciplinary Committee has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances.

For any suspension of more than 5 school days, The Board of Trustees will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

The Board of Trustees does not have to arrange such provision for pupils in their final year of compulsory education who do not have any further public exams to sit.

Monitoring and analysing suspensions and exclusions data

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

The governing board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and why this is taking place
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site

4.3 The local authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

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

5. The use of suspension and permanent exclusion at The Gallery Trust

5.1. Overview

The Gallery Trust (the Trust) is one of the largest special multi-academy trusts (MATs) in the country. The schools within the Trust cater for students with Profound and Multiple Learning Difficulties (PMLD), Severe Learning Difficulties (SLD), Moderate Cognition and Learning Difficulties (MLD), Social, Emotional and Mental Health Difficulties (SEMH) and those on the autistic spectrum (ASC). Many students also have additional physical and sensory needs.

There will inevitably be times when the behaviour of a student is both serious and significant and compromises the health and safety of the student and of those around him or her. It is important that schools in the Trust follow a consistent approach to responding to situations where a student's behaviour reaches this level.

As a MAT exclusively comprising special schools, the concept of any kind of suspension, whether it is temporary or permanent, is an important and challenging one which the Trust believes requires as much clarity and support as possible for schools, families and students.

In general, suspensions and exclusions should not be used in a special school context, particularly one where all the students have a diagnosed disability. The law is clear that suspensions and exclusions should only be used for **disciplinary reasons**. Suspensions and exclusions are there as a sanction in response to a student seriously and consciously disobeying a school rule. For the sanction to have any sense or meaning, therefore, the following pre-conditions need to be in place:

- the student understands and is intellectually and emotionally capable of displaying appropriate responses to different situations;
- the student knows and understands what the school rules are and is able to gauge what constitutes 'serious';
- the student is cognitively able to understand that not being allowed into school is a negative consequence to the actions he/she has taken.

If any of the above pre-conditions are not in place, or they are impaired for some reason, then the use of a sanction via the route of a suspension would be neither desirable nor in any way effective.

5.2. In what circumstances would the pre-conditions not be in place or be impaired?

There could be many circumstances whereby the stated pre-conditions are either absent or impaired in some way. These could include students:

- with significant emotional fragility who are unable to moderate their physical responses in response to events

- undergoing a crisis of some sort, whether at home or at school, that has overwhelmed them and their usual ability to respond appropriately to events
- whose learning difficulty is such that the notion of rules is meaningless
- whose learning difficulty is such that they are not capable of understanding the notion of cause and consequence
- who is in a high state of anxiety or fear that has been triggered by events around them
- student who is taking medication that alters their perception of the world around them
- student with sensory processing problems finds a situation impossible to cope with in terms of sensory overload
- student who cannot communicate their anxieties and fears in a way that the those around them can understand

The above issues can be created or exacerbated by the school environment itself.

This could include incidents when:

- the school rules are not stated in a clear and accessible way for the students;
- the environment in which they find themselves is unpredictable and/or unable to provide the emotional security they need;
- there is a lack of appropriate therapeutic or medical support to address a student's emotional needs;
- there is a lack of suitable communication aids for the student to be understood
- there is a lack of an appropriate Positive Handling Plan (PHP) or Student Support Plan (SSP) that details graduated strategies to support the student which is understood by all.

In assessing whether the pre-conditions are in place, Head Teachers should consider the above and any other circumstances that may impact on the student's behaviour leading up to the incident.

5.3 Categories of need

It may be helpful for Head Teachers to identify students who may be 'at risk' of suspension into the following categories:

Category 1

Students who are emotionally fragile (either on a permanent or temporary basis) or intellectually struggle to understand the world around them to a point where they are unable to consistently manage their behaviour or their responses to situations and events. These students would not fit the pre-conditions because of their intellectual and emotional needs.

Category 2

Students who are in a school environment which is not appropriately suited to meet their special educational needs and are finding their placement stressful. These students would not fit the preconditions. Early Annual reviews should be arranged to review the student's Education Health and Care Plan (EHCP) and to review the suitability and sustainability of the school placement.

Category 3

Students who are fully aware of their own behaviour, the impact of their behaviour on others and the risks they pose to the safety of the school community. Students will understand the concept of consequences and the expectations around acceptable behaviour in school. These students would usually be exhibiting high risk behaviours and school staff, despite following the students

individual PHP or SSP, cannot support the student to manage their behaviour and reduce the risk to the school community. These students would meet the pre-conditions.

The above categories are broad and there will be occasions when students fit into multiple categories. However, determining which category a student belongs (or deciding the balance of categories for those students who fit into more than one) can prove to be a useful exercise in the school being proactive and risk assessing in response to the needs of those students.

Suspensions or permanent exclusion would only be an appropriate option for students who fit clearly into Category 3.

When the school has identified students who fit into the 'at risk' categories detailed above, a range of measures should be considered.

Category 1

Schools should consider the following actions:

- Meet with parents and carers to share concerns and to co-produce a Risk Assessment and Positive Handling Plan
- Co-produce a Positive Handling Plan and Extended Risk Assessment with the student and parents and carers, ensuring that their ideas for strategies to support are included, help scripts are considered and staff advocates are identified, as appropriate
- Consider adaptations to environment, staffing or resourcing
- Produce an individual transition plan to support the student at the beginning and end of each day and at other key transition points
- Produce an individual timetable which details additional support, interventions and therapies which are required to support the students
- Ensure that any additional funding is targeted to support the student's needs
- Ensure the student has the tools and means to communicate, for example low-tech communication aids or Augmentative and Alternative Communication devices
- Ensure that Children's Social Care are fully engaged in identifying the needs of the child and coordinating/brokering support where necessary
- Commission re-assessment from the Integrated Therapy Team or Educational Psychologist
- Consider CAMHS involvement, where appropriate
- Call an early annual review to consider additional temporary or permanent additional funding to support additional resources

Category 2

In addition to the actions detailed in Category 1:

- Meet with parents and carers to discuss concerns and seek their views on the appropriateness of placement
- Contact the school's Local Authority SEN Officer to raise the school's concerns
- Call multi-agency meeting/emergency annual review to raise the school's concerns over the placement
- Following LA agreement, support parents with visits to other schools to identify more appropriate placement
- Review the EHCP to ensure that the sections identifying needs and provision are fully accurate and up to date

Category 3

In addition to the actions detailed in Category 1:

- Call a multi-disciplinary meeting to share the Extended Risk Assessment and identify additional agency support
- Ensure that best endeavours have been taken to provide the most appropriate behavioural and emotional support for the student, both in and out of school
- Ensure that the student has a named Lead Contact member of staff in school to support them and their family
- Ensure expertise is sought both internally and externally e.g. Attach Team, CAHBS
- Ensure that families get appropriate support out of school e.g. Early Help referral

5.4 Suspensions and Permanent Exclusions

Suspensions and permanent exclusions will only be considered for students in Category 3 and only in exceptional circumstances where the student has presented with high risk and/or harmful behaviours, such as:

- Using a weapon to threaten or cause harm
- Using an object as a weapon to cause harm e.g. scissors
- Bringing drugs into school
- Bullying of students or staff with protected characteristics e.g. racist bullying
- Sexual harassment or bullying
- Harmful behaviour to students e.g. hurting another student with full intent to cause harm
- Harmful behaviour to staff e.g. hurting an adult with full intent to cause harm

The following guidelines should be followed when considering a decision to exclude a student:

- Head Teachers have discussed the decision with the Director or Education of Strategy, the Director of Schools and Education or the CEO
- Head Teachers have considered all other options and exhausted all reasonable adjustments and are confident that the sanction is appropriate and meaningful for the student and will reduce the risks to the school community
- the student meets the three pre-conditions detailed above

5.5. Supporting students at risk of suspension or exclusion

Support falls into two main categories:

Proactive support where schools have taken every possible action to identify 'at risk' students and put in place measures to support these students.

Reactive support where, in the event of a serious incident occurring, schools follow a clear and consistent approach which is supportive for the student and ensures the health and safety of the student and the wider school community.

5.5.1 Proactive Support

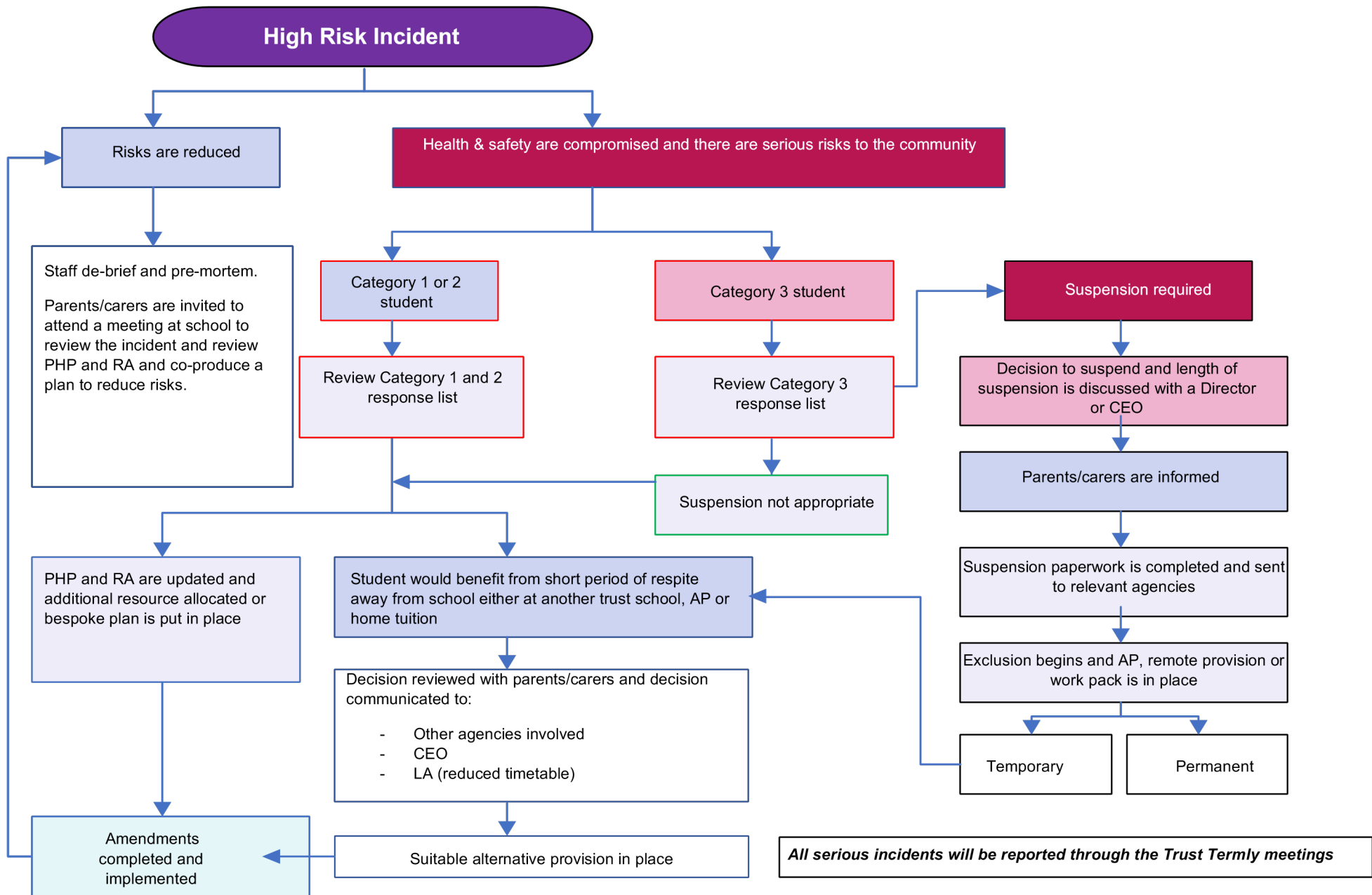
The aim of the proactive process is to reduce the likelihood of serious incidents happening in school. It will give schools a clear indicator of the students who may be at risk and a defined set of actions in place to support these students. It will also provide a useful monitoring system for schools to indicate the changing nature of the school population and any additional resources and input which may be required to address the changing needs of the community.

5.5.2. Reactive Support

Head Teachers will follow the steps detailed in the statutory guidance 'School suspensions and permanent exclusions:' Guidance on the suspension and permanent exclusion of pupils from local authority-maintained schools, academies and pupil referral units. September 2022

<https://www.gov.uk/government/publications/school-exclusion>

5.6 The decision making process



6. Considering the reinstatement of a pupil

The Board of Trustees will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- the exclusion is permanent
- it is a suspension which would bring the pupil's total number of days out of school to more than 15 in a term; or
- it would result in a pupil missing a public exam or National Curriculum test

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, The Board of Trustees must consider any representations made by parents. However, it is not required to arrange a meeting with parents, and it cannot direct the headteacher to reinstate the pupil.

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

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, The Board of Trustees will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the Disciplinary Committee may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The following parties will be invited to a meeting of the Disciplinary Committee and allowed to make representations or share information:

- parents, or the pupil if they are 18 or over (and, where requested, a representative or friend)
- the pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- the headteacher
- the pupil's social worker, if they have one
- the VSH, if the pupil is looked after

The Board of Trustees will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The Disciplinary Committee can either:

- decline to reinstate the pupil, or
- direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section) In reaching a decision, Disciplinary Committee will consider:

- whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- whether the headteacher followed their legal duties
- the welfare and safeguarding of the pupil and their peers
- any evidence that was presented to the governing board

They will decide whether or not a fact is true 'on the balance of probabilities'.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

The Disciplinary Committee will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- the parents, or the pupil, if they are 18 or older
- the headteacher
- the pupil's social worker, if they have one
- the VSH, if the pupil is looked after
- the local authority
- the pupil's home authority, if it differs from the school's

Where an exclusion is permanent and the Disciplinary Committee has decided not to reinstate the pupil, the notification of decision will also include the following:

- the fact that it is a permanent exclusion
- notice of parents' right to ask for the decision to be reviewed by an independent review panel
- the date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- the name and address to which an application for a review and any written evidence should be submitted
- that any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- that, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Gallery Trust to appoint an SEN expert to advise the review panel
- details of the role of the SEN expert and that there would be no cost to parents for this appointment
- that parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- that parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- that, if parents believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Any claim of discrimination made

under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

7. Independent review

If parents apply for an independent review within the legal timeframe, the Gallery Trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Disciplinary Committee of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the headteacher category. At all times during the review process there must be the required representation on the panel.

- a lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- headteachers or individuals who have been a headteacher within the last 5 years A person may not serve as a member of a review panel if they:
 - are a Member of the Gallery Trust
 - are the headteacher of the excluding school, or have held this position in the last 5 years
 - are an employee of the Gallery Trust, or member of the governing board, of the excluding school (unless they are employed as a headteacher at another school)
 - have, or at any time have had, any connection with the Gallery Trust, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
 - have not had the required training within the last 2 years (see appendix 1 for what training must cover)

The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion or are relevant to the pupil's permanent exclusion.

Following its review, the independent panel will decide to do 1 of the following:

- uphold the governing board's decision
- recommend that the governing board reconsiders reinstatement
- quash the governing board's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

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

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

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

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- the panel's decision and the reasons for it
- where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the pupil within 10 school days
- any information that the panel has directed the governing board to place on the pupil's educational record

8. School registers

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

- 15 school days have passed since the parents were notified of The Board of Trustees of decision to not reinstate the pupil and no application has been made for an independent review panel, or

- the parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made within 15 school days, the governing board will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

Making a return to the LA

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- the pupil's full name
- the full name and address of any parent with whom the pupil normally resides
- at least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- the grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion)
- details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school
- details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

9. Returning from a suspension

9.1 Reintegration strategy

Following suspension, the school will put in place a strategy to help the pupil reintegrate successfully back into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs which require further resource and support.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- identifying specific barriers to success and the identification of specific strategies to removing these e.g. transition times – the pupil could start the school day slightly later to avoid busy transition times
- an update of the pupils Positive Handling Plan, Individual Support Plan or equivalent
- a reintegration timetable* (which may be full or part-time)
- a co-produced extended risk assessment which details the potential risks of the pupil's behaviour and the strategies and support that a range of professionals will use to reduce the risks
- regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- informing the pupil, parents and staff of any additional potential external support
- calling an Annual Review with the LA SEN Officer to review the school placement, reassessment and any additional resources that may be required to support the pupil in school

*Reintegration timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

9.2 Reintegration meetings

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

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

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

The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom. All the schools within the trust work restoratively and therefore we would expect the meeting to ensure that time is given to discuss the following themes, where appropriate:

Theme 1: Everyone has a unique and individual perspective therefore your perception of what went wrong in school may differ from that of others

Theme 2: Thoughts influence feelings and feelings influence our behaviour. Can you tell us how you were feeling?

Theme 3: Our behaviour can have a negative impact on others and cause harm; this harm needs to be repaired. Let's talk about what this might look like.

Theme 4: In the event of harm everyone involved will have needs which must be met to move on. Tell us about your needs.

Theme 5: Those involved in conflict are the best placed to take responsibility and ownership for problem solving. Let's see if we can make a plan to do this together.

10. Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units, off-site directions and managed moves
- Anonymous surveys of staff, pupils, The Board of Trustees, Local Academy Board Members, and other stakeholders on their perceptions and experiences

The data will be analysed three times a year by a Trust Director, who will report back to the Head Teacher.

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By time of day/week/term
- By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

The Gallery Trust will work with its academies to consider this data, and to analyse whether there are patterns across the trust, recognising that numbers in any 1 academy may be too low to allow for meaningful statistical analysis.

This policy will be reviewed by the Chief Executive Officer every year. At every review, the policy will be approved by the Schools and Education Committee of The Board of Trustees

11. Links with other policies

This exclusions policy is linked to our:

- Behaviour policy
- SEN policy and information report
- Anti-bullying Policy
- Safeguarding Policy

Appendix 1: independent review panel training

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

Training must have covered:

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