United Learning
The best in everyone™

Avonbourne Boys' & Girls' Academies
The best in everyone™
Part of United Learning

EXCLUSIONS POLICY

United Learning – Exclusion Policy

Document Control	
Document Title:	United Learning Exclusion Policy
Version:	1.0
Summary of Changes from Previous Version:	New Policy
Name of Originator/Author (including job title):	TBC
Target Audience:	Academies, Headteachers, Regional Directors, Local Governing Bodies (LGBs), Parents, Clerks to LGBs
Review By Date:	
Date Issued:	To be used from 1 September 2026

Contents

1. Scope 4
2. Objectives and implementation 4
3. Definitions 4
4. The Decision to Suspend or Permanently Exclude 6
5. Preventative measures to school exclusion 7
6. Separation of pupils for safeguarding purposes 8
7. Informing Parents 8
8. Informing the Local Governing Body (LGB) 9
9. Informing the Local Authority (LA) 10
10. Informing the pupil's social worker and/or virtual school head (VSH) 10
11. Cancelling suspensions and permanent exclusions 11
12. Providing education during the first 5 days of a suspension or permanent exclusion 11
13. Local Governing Body (LGB)'s consideration of suspensions and permanent exclusions 11
14. Considering the reinstatement of a pupil and/or representations from parents 11
15. Holding a meeting of the Local Governing Body (LGB), using the Governors' Disciplinary Committee (GDC) 12

16. School Registers 15
17. Local Governing Body (LGB)'s role in monitoring and analysing suspension and exclusion data 15
Annex A: Behaviours considered serious breaches of the Behaviour Policy (grounds for considering permanent exclusion). 17
Annex B: Statement in relation to off-rolling. 20
Annex C: School Registers 21
Annex D: Independent Review 22

1. Scope

This policy applies to United Learning's academy schools only. Is consistent with relevant legislation and statutory guidance, including:

- Department for Education statutory guidance[1]
- The Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections act 2006
- The Education Act 1996
- 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

2. Objectives and implementation

2.1 United Learning's policy objectives are that:

- The Trust and its academies maintain a safe and caring environment in which all pupils can learn and succeed and are supported to progress to positive destinations
- All decisions relating to suspensions and permanent exclusions are lawful, reasonable, fair and proportionate
- The suspensions and exclusions process is understood by Trustees, Governors, Headteachers, staff, parents and pupils

2.2 This policy applies from 1st August 2026.

3. Definitions

The following definitions apply to this Policy:

Suspension

When a pupil is removed from school for a fixed period. This was previously referred to as a 'fixed-term exclusion'. A suspension can be for one or more full day(s) or part(s) of the school day.

Permanent Exclusion

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

Off-site direction

[1] Current statutory guidance: Suspensions and permanent exclusion from maintained schools, academies and pupil referral units (PRUs) in England

When a pupil is required to attend another education setting temporarily and for a time-limited period to improve their behaviour. The pupil remains on the 'home' school's roll for the duration of an off-site direction. This decision is made by the Headteacher of the school and does not require agreement by other parties.

Managed move

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

Time-limited off-site direction placement

This is an off-site direction where there is a temporary placement at another school for a period of 6-8 weeks during which the pupil remains on roll at their original school. A permanent move (Managed move) will only be agreed following a formal review and with the agreement of all parties, including parents and the admission authority for the new school.

A school day

Any day when pupils are in school.

Parent

Any person who has parental responsibility and/or care of the child.

Headteacher

The leader in school who has the authority to make the decision to suspend or exclude a pupil. In United Learning this person may be called the Principal, Headteacher, Executive Principal or Head of School.

Local Governing Body

The Local Governing Body (LGB) of a United Learning School.

Governor Disciplinary Committee (GDC)

The committee of governors who review suspension and exclusion decisions. The committee will consist of up to three United Learning governors, depending on the number of days suspended in a term or whether the case involves a permanent exclusion. These governors may be drawn from any United Learning school.

Reinstatement

Reinstatement refers to the cancellation and removal from a pupil's record of a period of suspension or exclusion, following a review by the Governor Disciplinary Committee. (Where reinstatement follows a suspension review the pupil will generally already have returned to school. Where the timing of the GDC means this is not the case, or in the case of an exclusion, reinstatement also involves the pupil returning to school).

Reasonable Adjustment

A change made to remove or reduce a disadvantage experienced by a disabled person, ensuring they can access and participate in education on an equal basis with others. Under the Equality Act 2010, schools and public bodies have a legal duty to anticipate and implement such adjustments where a provision, criterion, practice, or physical feature places a disabled person at a substantial disadvantage.

4. The Decision to Suspend or Permanently Exclude

4.1 Only the Headteacher can make the decision to suspend or permanently exclude a pupil. The behaviour of a pupil both inside and outside school can be considered grounds for a permanent exclusion or suspension. A suspension can be for full day(s) or parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period.

4.2 Suspension

A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and to show a pupil that their current behaviour is putting them at risk of permanent exclusion.

4.3 Exclusion

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

- in response to a serious breach or to persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

4.4 Examples of behaviours which may be considered serious breaches of the academy's Behaviour Policy (grounds for considering permanent exclusion) can be found in Appendix 1. This list is not exhaustive.

4.5 Before deciding whether to suspend or permanently exclude a pupil, the Headteacher will consider the relevant facts and evidence including:

- the circumstances surrounding the incident(s) leading to the suspension or permanent exclusion including (where appropriate) the finding of any investigation

- consideration of the impact any special educational needs (SEN) may have had on the pupil's behaviour and whether any agreed reasonable adjustments have been followed
- whether all appropriate alternative solutions have been considered, such as off-site direction or managed moves
- where possible, giving the pupil an opportunity to give their version of events considering their age and ability to understand (including assisting a pupil with a disability to present their case where the disability might hinder this); and
- in the case of a permanent exclusion given for persistent disruptive behaviour, consideration of whether the pupil and their family were made aware that permanent exclusion was a possible consequence of the behaviour.

4.6 The Headteacher will not postpone taking a decision on a suspension or permanent exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. They will take a decision on the evidence available to them.

4.7 The Headteacher will take care to ensure that a decision to exclude does not involve any kind of discrimination, as defined by the Equality Act 2010. They will not discriminate against pupils on the basis of protected characteristics.

4.8 The Headteacher may direct a pupil off-site for education to improve their behaviour[2]. This is designed as a short-term, time-limited measure that may be employed as part of the academy's behaviour management strategy. An off-site direction may be made to alternative provision or to another school setting. It can be full-time or part-time (combined with time at the original school). It is not a suspension or permanent exclusion and the pupil remains on roll at their original school.

5. Preventative measures to school exclusion

Off-site direction

5.1 When making an off-site direction, the school will give at least two days notice and provide notification to parents outlining:

- Reasons for placement
- Location and duration
- Review arrangements

5.2 The Headteacher will ensure that the placement is reviewed regularly, will involve relevant professionals and stakeholders and will outline a plan for reintegration into school. If, following review, the decision is made that the placement should continue, the school will provide written notification of this to parents, including the duration and reasons for the continuation.

[2] In United Learning schools, the power to issue an off-site direction is delegated to Headteachers by the United Learning Group Board.

Managed move

5.3 The Headteacher may suggest a 'managed move' to another setting for a pupil, as a fresh start and a strategy to improve behaviour. This will be used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently.

5.4 Managed moves will only be progressed with the consent of the parties involved, including the parents and the admissions authority of the receiving school. Where a managed move takes place the pupil moves permanently from their original school to the new school. A pupil will not be permanently excluded because a parent has refused to agree a managed move.

5.5 A managed move may follow a period of off-site direction if, following the review of an off-site direction placement it is determined that a permanent managed move is appropriate and if this is agreed by all parties.

6. Separation of pupils for safeguarding purposes

6.1 The Headteacher may in certain circumstances, temporarily forbid a pupil from attending the premises, for example, due to an allegation of harm by one pupil against another which might require physically separating a pupil from one or other pupils. This is not a suspension of permanent exclusion on disciplinary grounds.

6.2 Safeguarding separation will only be used where there is a clear safeguarding risk to the pupil or others and it is a proportionate response. It will be time-limited and kept under regular review.

6.3 Where safeguarding separation is used, the school will record and inform parents of the reason for the decision and will put in place appropriate education and support.[3]

7. Informing Parents

7.1 If a pupil is considered to be at risk of suspension or exclusion (for reasons of persistent poor behaviour) the Headteacher will inform the parents as early as possible, 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.

7.2 If the Headteacher decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or, for a permanent exclusion, the fact that it is permanent and the reason(s) for it, in writing, without delay. [4] This notification will also include:

- Information about parents' right to make representations about the suspension or permanent exclusion to the local governing body and how the pupil may be involved in this
- How any representations should be made

[3] This may be via the Local Authority

[4] Schools may inform parents initially of a suspension in other ways (for example, over the phone). This will be followed as soon as possible by written notification

- Whether there is a legal requirement for the local governing body to review a suspension or hold a meeting to consider the reinstatement of a pupil
- Whether the parents have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend[5]

7.3 The Headteacher will also notify parents of the following, without delay and usually be the end of the afternoon session on the first day their child is suspended or permanently excluded:

- 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.

7.4 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 to identify the person they should report to on the first day.

7.5 If the Headteacher does not have 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.

8. Informing the Local Governing Body (LGB)

8.1 The Headteacher will notify the LGB or the Governor Disciplinary Committee (GDC) via email, 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 full term.
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam.

[5] Where the pupil is 18 any right of attendance is their's.

8.2 The Headteacher will notify the LGB once per full term of any other suspension of which they have not previously been notified and the number of suspension and exclusions that have been cancelled, including the circumstances and reasons for the cancellation.

9. Informing the Local Authority (LA)

9.1 Following any decision to suspend or permanently exclude a pupil, the Headteacher will contact the Local Authority without delay.

9.2 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.

9.3 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.

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

10.1 If a Pupil with a social worker or a pupil who is looked after is at risk of suspension or permanent exclusion (for reasons of persistent behaviour), the Headteacher will inform the pupil's social worker and/or the VSH as early as possible, to enable all parties 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.

10.2 If the Headteacher decides to suspend or permanently exclude a pupil with a social worker or a pupil who is looked after, they will inform the pupil's social worker and/or 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.
- whether the suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam.

10.3 The social worker and/or the VSH will be invited to any meeting of the LGB about the suspension or permanent exclusion that is held by the GDC on behalf of the LGB. 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 considered.

11. Cancelling suspensions and permanent exclusions

11.1 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 LGB.[6] Where there is a cancellation:

- The parents, LGB and LA (and, 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.
- The pupil will be allowed to return to education without delay.

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

12.1 During the first 5 days of a suspension, if the pupil is not attending alternative provision (AP), the school will take reasonable steps to set and mark work for the pupil. Online packages may be used for this. If the pupil has a special educational need or disability, the Headteacher will make sure that reasonable adjustments are made to the provision where necessary.

12.2 If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange alternative provision 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/student, including the use of online packages.

13. Local Governing Body (LGB)'s consideration of suspensions and permanent exclusions

13.1 Responsibility for considering suspensions and permanent exclusions is delegated to a committee of the local governing body, known as the Governor Disciplinary Committee (GDC). This committee will be made up of up to 3 United Learning governors, dependent on the number of days suspended or the permanent exclusion, these governors can be drawn from any United Learning school. See point 14 for details of the considerations.

14. Considering the reinstatement of a pupil and/or representations from parents

14.1 Parents should send representations to the clerk of the LGB.

14.2 **<u>0-5 days suspension in a term</u>**

14.2.1 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 LGB must consider any representations made by parents. At United Learning this consideration of representations is delegated to one governor. The governor is not required to arrange a meeting with parents and by law they cannot direct the Headteacher to reinstate the pupil / remove the suspension from their record. Their only power is to put a note of their decision on the pupil's record.

[6] A review will be deemed to have taken place once the meeting to review the suspension or exclusion has started

14.2.2 The parents will be notified in writing of the outcome. The outcome letter will detail the LGB's view of the suspension and will explain that there is no other action available to the LGB other than to put a note on the pupil's record.

14.2.3 Any representations regarding a suspension must be submitted to the clerk to the LGB within 10 school days of the end of the term in which the suspension occurred.

14.3 **6-15 days suspension in a term**

14.3.1 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 LGB, a Governor Disciplinary Committee (GDC) 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 GDC is not required to meet and it cannot direct the Headteacher to reinstate the pupil. The duties of the GDC may be delegated to 1, 2 or 3 suitably trained governors.

14.3.2 The parents will be notified in writing of the outcome.

14.3.3 Any representations regarding a suspension must be submitted to the clerk to the LGB within 10 school days of the end of the term in which the suspension(s) occurred.

14.4 **Suspensions over 15 days in a term and permanent exclusions**

14.4.1 The Governor Disciplinary Committee (GDC) 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/student's total number of days out of school to more than 15 in a term.
- It would result in a pupil/student missing a public exam or National Curriculum test[7].

14.4.2 In the case of suspensions the duties of the GDC may be delegated to 1, 2 or 3 governors on a case-by-case basis. In the case of exclusions the GDC will usually be made up of 3 governors but can be delegated to 2 in exceptional circumstances.

15. Holding a meeting of the Local Governing Body (LGB), using the Governors' Disciplinary Committee (GDC)

15.1 In circumstances where a meeting of the GDC is required the following parties will be invited 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).

[7] In this circumstance the GDC or one governor will, consider and decide on the reinstatement of the pupil/student before the date of the exam or test.

- The pupil if they are aged 17 or younger and it would be appropriate to their age and understanding.
- The Headteacher.
- The pupil's social worker, if they have one.
- The VSH, if the pupil is looked after.

15.2 Parents may request that a local authority and/or home local authority representative attend the GDC as an observer. As we are in a multi academy trust the school is not required to agree to such a request, and any representative from the local authority can only make representations if the local governing body give consent.

15.3 The GDC 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.

15.4 The GDC can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil/student immediately, or on a particular date (except in cases where the LGB cannot do this – see earlier in this section).

15.5 In reaching a decision, the GDC 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/student and their peers.
- Any evidence that was presented to the GDC.

15.6 The GDC will decide whether a fact is true 'on the balance of probabilities'. That is whether it is more likely than not to be true.

15.7 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.

15.8 The GDC, on behalf of the LGB, will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or the pupil/student, 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.

15.9 Where an exclusion is permanent and the LGB 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 LGB'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/student has recognised SEN, parents have a right to require the school 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. Also that 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.

16. School Registers

16.1 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 LGB's 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.

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

16.3 While the pupils' name remains on the school's admission register, attendance will be recorded appropriately. See Annex C for details

17. Local Governing Body (LGB)'s role in monitoring and analysing suspension and exclusion data

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

17.2 The LGB will consider:

- How effectively and consistently the school's behaviour policy is being implemented.
- The school register and absence codes.
- Instances where pupils/students receive repeat suspensions.
- Interventions in place to support pupils/students 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/students, and why this is taking place.
- Whether the placements of pupils/students directed off-site into alternative provision, or the separate arrangements made to keep pupils apart for safeguarding purposes are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils/students are benefiting from it.
- The cost implications of directing pupils/students off-site.
- Making use of performance data in the following areas to hold school leaders to account and to make informed decisions:

  - pupil numbers, attendance and exclusions

- attainment and progress
- curriculum planning and class sizes
- financial management and governance
- quality assurance
- safeguarding and well being
- the school community including staff, pupils, parents and the local governing body.

- Building an evidence base from the most recent and accessible data to identify successes and root causes of problems
- Using data to benchmark and analyse trends to improve educational and financial outcomes

Annex A: Behaviours considered serious breaches of the Behaviour Policy (grounds for considering permanent exclusion).

PART A: Behaviours Considered Serious Breaches of the Behaviour Policy

The behaviours listed below are illustrative examples of incidents that would constitute a serious breach of the school behaviour policies across the Trust, whether or not the incident occurred on school premises*. Any such breach will lead to consideration of permanent exclusion. This list is not exhaustive. Every incident will be assessed individually, taking account of the specific context, intent, severity and impact.*

1. Deliberate pushing, hitting, striking or any other use of force against a member of staff, which will typically be considered assault.
2. Serious actual or threatened violence towards another pupil or adult, including group assaults.
3. Possession, use or supply (or intent to supply) of prohibited substances, including illegal drugs, so called 'legal highs' (including edible variants), and alcohol.
4. Sexual violence, sexual assault, or serious sexual harassment.
5. Creating or sharing indecent images (including nudes or semi-nudes) or other illegal pornographic material.
6. Possession, use or threatened use of a knife, other offensive weapon or item prohibited under the school's behaviour policy.
7. Possession, use or threatened use of other dangerous items (e.g., fireworks, corrosive substances) that pose a significant risk.
8. Arson, deliberate activation of the fire alarm or tampering with safety equipment in a way that creates significant risk.
9. Deliberate and significant damage to school property that creates danger (e.g., smashing glass, flooding areas, disabling safety systems).
10. Repeated refusal to follow safety instructions where this creates significant risk (e.g., refusing evacuation during a fire alarm).
11. Bringing a trespasser onto the school site, or deliberately facilitating unauthorised entry (e.g., opening secure doors/gates).
12. Persistent and severe bullying, including discriminatory or hate motivated harassment.
13. Deliberate misuse of ICT systems or online platforms, on or off site, where this creates a safeguarding risk, serious harm, or involves criminal behaviour.
14. Stealing from the academy, from staff, or from other students.
15. Any behaviour amounting to a criminal offence, on or off site, or conduct that brings the school into serious disrepute, including harassment or intimidation of staff (e.g., waiting outside school, following them, spreading harmful allegations).

This list is not exhaustive; behaviours outside this list may also constitute a serious breach depending on the circumstances.

PART B: Deciding Whether Permanent Exclusion Is Appropriate

Permanent exclusion is the most serious sanction available to a school and must be used only in line with the statutory test set out by the Department for Education in the statutory guidance on exclusions.

Principles Headteachers must apply

Decisions must be:

- Lawful
- Reasonable
- Fair
- Made on the balance of probabilities
- Consistent with SEND and equality duties
- Consistent with safeguarding responsibilities

Headteachers must also consider:

- Any mitigating factors (including contextual and underlying factors, evidence of vulnerability or additional needs)
- Likelihood of recurrence (including a review of the pupil's behaviour during their time at the school)
- The prospect of any available interventions mitigating the identified impact on the safety, learning and wellbeing of the pupil or others (i.e. whether permanent exclusion is the last resort).

A serious breach of the behaviour policy, such as but not limited to the examples listed in Part A, will normally result in consideration of permanent exclusion.

The statutory threshold for Permanent Exclusion

Statutory guidance is clear that a Headteacher may only permanently exclude a pupil if both of the following conditions are met:

1. ***There has been a serious breach, or persistent breaches, of the school's behaviour policy***. This may be a single serious incident or a sustained pattern of misconduct. Where behaviour is similar to the examples listed in Part A, this will normally indicate that the first condition has been met, subject to individual assessment. Heads are highly likely to consider permanent exclusion in these cases as the behaviours are deemed serious breaches of policy (notwithstanding an assessment of individual context and other factors such as those covered above). The duty on the Headteacher is then to consider the second condition.

2. ***Allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others***. Having established that there has been either a serious breach of the behaviour policy (or persistent breaches of the school's policy), the Headteacher must consider the safety, learning and wellbeing of the pupil and the wider school community. This includes whether keeping the pupil in school would undermine the ability of school leaders to continue to hold high standards of behaviour for others, the likelihood of recurrence, whether any reasonable intervention or reasonable adjustment could mitigate the risk, and any other contextually relevant factors. If, having considered all relevant factors, the Head is not satisfied that the school can maintain safety, order or wellbeing were the pupil to remain, a permanent exclusion may be justified as a last resort.

In making a final decision, the Head will always take account of the wider considerations outlined above before deciding whether the statutory threshold for permanent exclusion has been met.

Annex B: Statement in relation to off-rolling.

Ofsted defines off-rolling as:

"The practice of removing a pupil/student from the school roll without a formal, permanent exclusion or by encouraging a parent/carer 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/student."

United Learning academies 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. they will not send pupils 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 using part-time timetables for behaviour management
- by pressuring parents to remove their child
- by using inappropriate placement in alternative provision (AP)

Any concerns regarding off-rolling should be raised through the school complaints process.

Annex C: 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 LGB's 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 local governing body 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, attendance will continue to be recorded appropriately; where alternative provision is in place and attended, code B (education off-site) or code D (dual registration) will be used, with all attendance codes for permanent exclusions entered manually via the bulk update attendance process.

Where excluded pupils are not attending alternative provision, code E (absent) will be used; when a suspension is recorded, Arbor will automatically apply code E to all sessions (AM/PM), and while sessions can be deselected, any alternative attendance codes must be subsequently amended manually within the pupil's attendance record.

Where a pupil is removed for safeguarding purposes, code C will be used.

Annex D: Independent Review

17.3 Independent Reviews are only available where a decision to permanently exclude a pupil has been upheld by a GDC on behalf of the LGB.

17.4 The role of the IRP is to review the LGB's decision not to reinstate a permanently excluded pupil. In reviewing the decision the panel must consider the interests and circumstances of the permanently excluded pupil, including the circumstances in which the pupil was permanently excluded and have regard to the interests of other pupils and people working at the school.

17.5 If parents/carers apply for an independent review within the legal timeframe, the school will arrange for an independent panel to review the decision of the GDC not to reinstate a permanently excluded pupil/student.

17.6 Applications for an independent review must be made within 15 school days of notice being given to the parents by the LGB 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.

17.7 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.

17.8 A person may not serve as a member of a review panel if they:

- Are a member/director of the trust of the excluding school.
- Are the Headteacher of the excluding school or have held this position in the last 5 years.
- Are an employee of United Learning (unless they are employed as a Headteacher at another school and are standing as the Headteacher member of the panel)
- Are a member of the LGB of the excluding school
- Have, or at any time have had, any connection with the trust, school, LGB, 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.

17.9 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.

17.10 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.

17.11 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.

17.12 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.

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

- Uphold the local governing body's decision.
- Recommend that the local governing body reconsiders reinstatement.
- Quash the local governing body's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed).

17.14 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.

17.15 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 local governing body at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the local governing body and that it ought to have considered if it had been acting reasonably.

17.16 If evidence is presented that the panel considers it is unreasonable to expect the local governing body 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 local governing body reconsider reinstatement.

17.17 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.

17.18 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 local governing body does not subsequently decide to offer to reinstate the pupil within 10 school days.
- Any information that the panel has directed the local governing body to place on the pupil's educational record.