



Ascent Academies' Trust

EXCLUSION POLICY

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Responsible Officer	Trust Safeguarding, Personal Development, Behaviour, Welfare, Attendance and Project Lead

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EXCLUSION POLICY

1. Introduction

The purpose of this policy is to ensure that Ascent Academies' Trust demonstrates a fair and responsive approach to exclusions. The Trust is committed to valuing diversity and to equality of opportunity. We aim to create and promote an environment in which pupils, parents and staff are treated fairly and with respect and feel able to contribute to the best of their abilities.

We aim to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by trustees, staff, parents and pupils
- Pupils within the Trust are safe and happy
- Pupils do not become NEET (not in education, employment or training)

Ascent Academies' Trust will work in partnership with parents to ensure that expectations and strategies we use with pupils are clear and parents can reinforce them with their child. This includes ensuring that parents are kept informed about decisions made in response to a pupil's behaviour so that we can work together with the best interests of the pupil to ensure expectations for behaviour are made clear.

This policy should be read in conjunction with the following Trust policies and with individual academy procedures as appropriate.

- Behaviour policy
- Anti-Bullying Policy

This policy will be regularly reviewed and amendments can only be made following the approval of the Ascent Academies' Trust Central Team, known as Trust Central Team.

This policy applies to the Trust and to all individual academies. This policy should be read by all staff involved in promoting positive behaviour and keeping our young people safe in education.

Instances of non-compliance with this policy will be reviewed by the individual academy and may be reported to the Executive Leadership team and the Trustees.

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

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 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 role of trustees is set out within the following policy. It should be noted that trustees may delegate aspects of their role(s) in line with the Trust's Articles of Association.

3. The decision to exclude

Only the Head of Academy (HoA), or a person acting with the Head of Academy's authority, can exclude a pupil from school. The HoA will always consider a pupil's special educational needs and disabilities (SEND) when taking the decision to exclude. A permanent exclusion will be taken as a last resort.

A decision to 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 exclude a pupil, either permanently or for a fixed period, the HoA will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events

The school will take due regard to the SEND Code of Practice, ensuring that any special educational needs and disabilities (SEND) when considering whether or not to exclude a pupil. The HoA will ensure that reasonable steps have been taken to respond to a pupil's SEND so the pupil is not treated less favourably for reasons related to their individual needs. Reasonable steps will include:

- Differentiation in the school's Behaviour Policy
- Developing strategies to promote the right choices for a pupil
- Request support from colleagues across the Ascent Academies' Trust including the Multi-Disciplinary Team
- Requesting external help with the pupil
- Staff training

4. Definition

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

5. Roles and responsibilities

5.1 The Head of Academy

Informing parents

The HoA will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to Trustees and how the pupil may be involved in this
- Where there is a legal requirement for Trustees to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The HoA will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. 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 when notifying parents of an exclusion:

- 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 required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided 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 an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the Board of Trustees and local authority

The HoA will immediately notify the Clerk to the Board of Trustees and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

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

For all other exclusions, the HoA will notify the Trustees and LA once a term.

5.2 The Board of Trustees

Responsibilities regarding exclusions have been delegated by the Board of Trustees to a sub-committee of Trustees who have a duty to consider the reinstatement of an excluded pupil (see section 6).

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

5.3 The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

6. Considering the reinstatement of a pupil

Trustees will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

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

If requested to do so by parents, Trustees will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, Trustees will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, Trustees will consider the exclusion and decide whether or not to reinstate the pupil.

Trustees can either:

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

In reaching a decision, Trustees will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the HoA followed their legal duties. 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', as well as any evidence that was presented in relation to the decision to exclude.

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

Once a decision has been reached The Clerk to Trustees will notify, in writing, of its decision, along with reasons for its decision, without delay. It is the Head of Academy's responsibility to inform parents and the LA

Where an exclusion is permanent, the Trustees' 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, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted

- That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEND are considered to be relevant to the exclusion
- That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the LA/Ascent Academies' Trust to appoint a SEND expert to attend the review
- Details of the role of the SEND expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for a SEND 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 exclusion has occurred as a result of 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

7. An independent review

If parents apply for an independent review, the LA/Ascent Academies' Trust will arrange for an independent panel to review the decision of the Trustees sub-committee 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 Trustees sub-committee of its decision to not reinstate a pupil.

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 trustees' category and 2 members will come from the HoA category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a trustee or volunteer
- School trustees who have served as a trustee for at least 12 consecutive months in the last 5 years, provided they have not been teachers or HoAs during this time
- HoAs or individuals who have been a HoA within the last 5 years

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

- Are a member/director of the LA/Ascent Academies' Trust, or trustee of the excluding school
- Are the HoA of the excluding school, or have held this position in the last 5 years
- Are an employee of the LA/Ascent Academies' Trust, or the board of trustees, of the excluding school (unless they are employed as a HoA at another school)
- Have, or at any time have had, any connection with the LA/Ascent Academies Trust, academy, Board of Trustees, 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)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the trustees' decision
- Recommend that the Trustees reconsiders reinstatement
- Quash the Trustees decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

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

8. School registers

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

- 15 school days have passed since the parents were notified of the exclusion panel'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, Trustees will wait until that review has concluded before removing a pupil's name from the register.

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.

9. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- *Agreeing a behaviour plan*
- *Accessing intervention*
- *Close supervision*

10. Monitoring arrangements

The Behaviour Manager monitors the number of exclusions during each term and reports back to the SEND Team Briefings, HoA and Trustees on a regular basis. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by Ascent Academies' Trust every 2 years or sooner if legislation changes. At every review, the policy will be shared with the Board of Trustees.

Link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Appendix 1: independent review panel training

The LA/Ascent Academies' Trust must ensure 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:

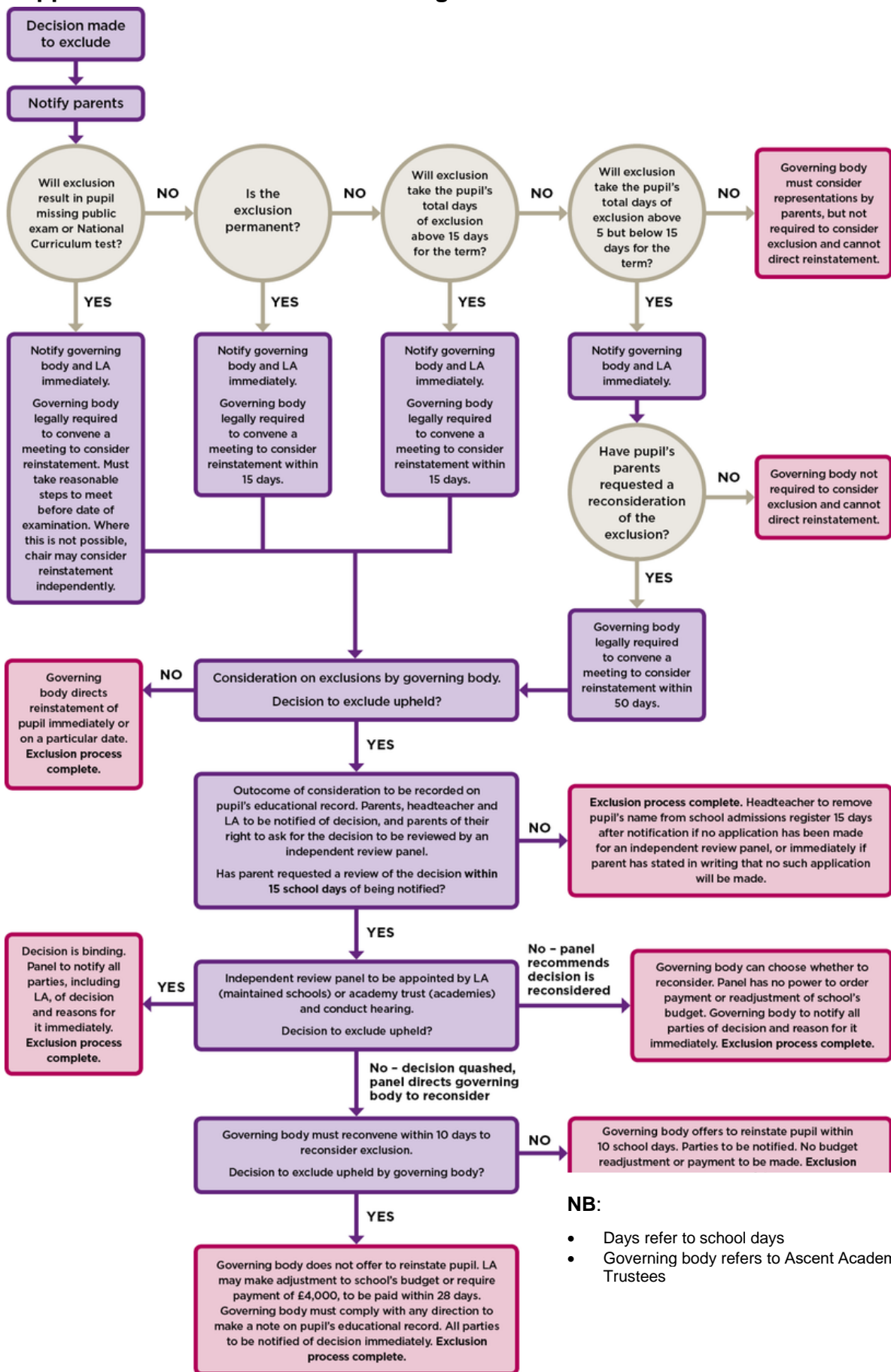
- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of HoAs, 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

Appendix 2: Reasons for Exclusion

Reasons for Exclusion		
Serious breach of school rules	Serious risk of harm to the education or welfare of the pupil or others in the school	
Type of Exclusion		
<p>Internal Exclusion</p> <p>An internal exclusion is a discretionary measure, where a pupil's Behaviour is escalating and more serious measures need to be taken but there are not yet grounds for an external / fixed term exclusion.</p>	<p>Fixed Term Exclusion</p> <p>Exclusion for a period of time from half a day to five school days for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies.</p>	<p>Permanent Exclusion</p> <p>This will follow a range of strategies and be seen as a last resort, or it will be in response to a very serious or persistent breach of school rules and policies.</p>
Decision to Exclusion		
Head of Academy and Executive Head of Academy	Head of Academy and Executive Head of Academy	Head of Academy and Executive Head of Academy
<p>Appealing a Fixed Term Exclusion</p> <p>If a parent* wishes to appeal a fixed term exclusion the appeals process is outlined in the exclusion notification letter.</p> <p>A parent can ask Trustees to consider the decision to exclude if either:</p> <ul style="list-style-type: none"> The pupil has been excluded for more than 5 school days The exclusion means that the pupil will miss a public examination or national curriculum test <p>If the exclusion is for five school days or fewer, Trustees will consider representation but cannot direct reinstatement.</p>	<p>Appealing a Permanent Exclusion</p> <p>If a parent wishes to appeal a permanent exclusion, the appeals process is outlined in the exclusion notification letter.</p> <p>The parent will be invited to an appeals meeting with Trustees within 15 school days of receipt of the notification of appeal.</p> <p>If the parent should remain dissatisfied they can ask the academy to arrange an independent review.</p>	
<p>Discrimination and other complaints</p> <p>That if parents believe that the exclusion has occurred as a result of 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</p>		

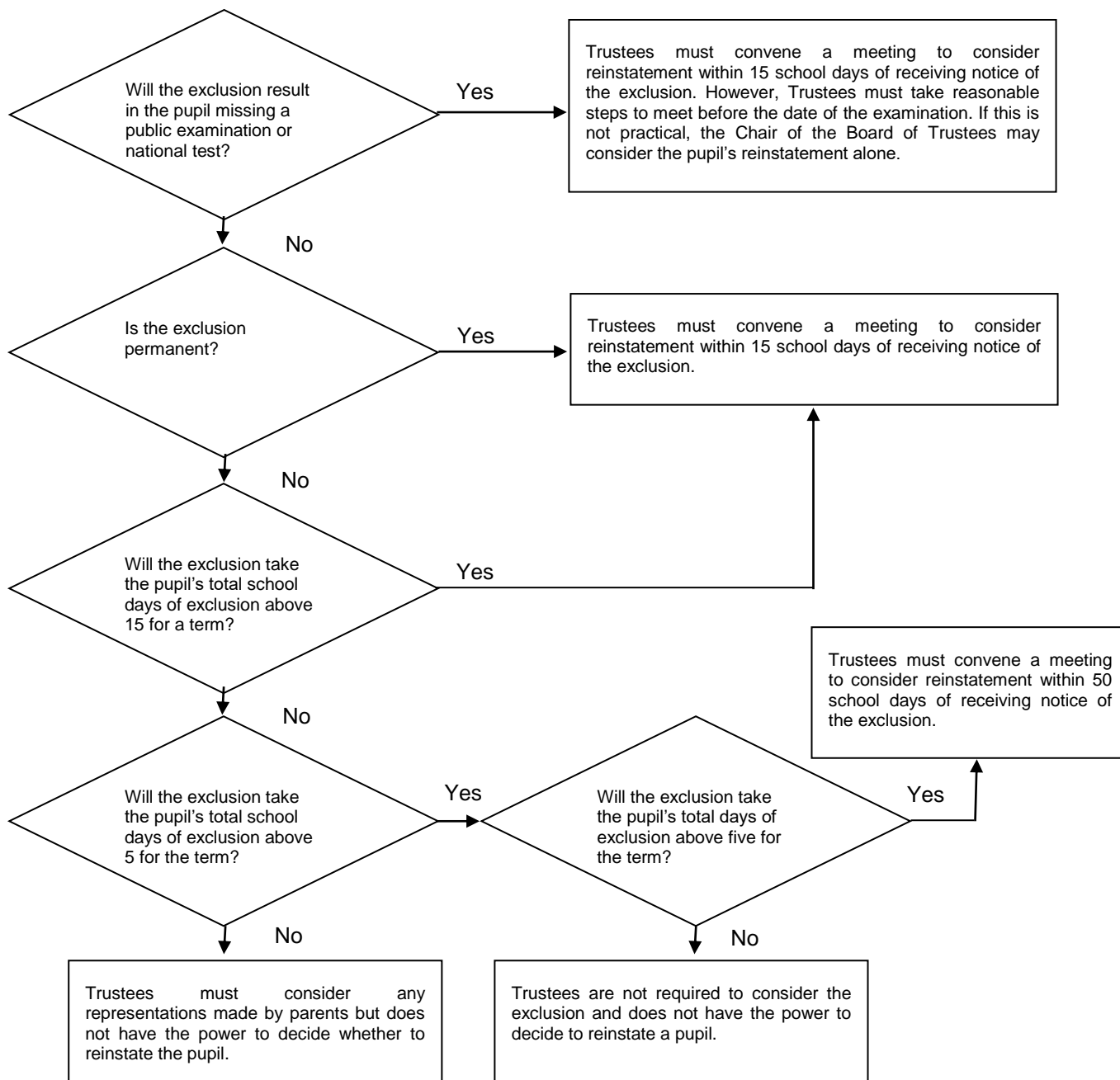
* The term 'parent' refers to the legal guardian of the child which can include carer, grandparent etc.

Appendix 3: Decision to Exclude diagram



- NB:**
- Days refer to school days
 - Governing body refers to Ascent Academies' Trustees

Appendix 4: A summary of the board of trustee’s duties to review the head of academy’s exclusion decision



Managing the Exclusion Process

Pre exclusion: you can ask the LA for advice and, if in any doubt, consider fixed term exclusion pending further consideration, maintaining the right to make the exclusion permanent.

If the correct procedures are not applied, then the decision to exclude can be overturned regardless.

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Organisation following the exclusion – Head of Academy MUST;

Communication with Parents, The Trust and the Local Authority													
Immediate notification to parents/carers – type, length, reasons for exclusion (use model letters provided)													
<p>Notification to Local Authority must be carried out without delay for;</p> <ul style="list-style-type: none"> • A permanent exclusion, including when a fixed-period exclusion is made permanent • Exclusions which would result in the pupil being excluded for more than 5 days • Exclusions which would result in the child missing out of a public examination <p>If the child is transported from another local authority the same communication must also reach them.</p>													
<p>Informing the Clerk to Trustees must be carried out without delay of;</p> <ul style="list-style-type: none"> • A permanent exclusion, including when a fixed-period exclusion is made permanent • Exclusions which would result in the pupil being excluded for more than 5 days • Exclusions which would result in the child missing out of a public examination 													
<p>Fixed term exclusion</p> <p>If the exclusion is 5 days or less and alternative provision is deemed inappropriate, work at the child's ability should reach home from the 2nd day of exclusion.</p>													
<p>Fixed term exclusion</p> <p>If the exclusion is more than 5 days – the academy must provide alternative education on the 6th day. This needs to be communicated to the parents (Location address/time start finish and duration). Communication to parents for alternative provision must reach them 48 hours before the child commences the provision.</p>													
<p>Permanent exclusion</p> <p>In the event of a permanent exclusion it is the LA's responsibility to provide alternative provision on the 6th day.</p>													
<p>Letters to parents;</p> <p>You have been provided letter that need to go out to parents, trust and the local authority to inform them of a fixed term/permanent exclusion. Letters include;</p> <ul style="list-style-type: none"> • Fixed term up to 5 days • Fixed term up to 6-15 days per term • Fixed term up to 15+ days per term • Permanent Exclusion; <p>And have been adapted for Sunderland, Durham and Stockton</p>													
<p>DfE Codes for Exclusion – to be used in the Exclusion Letters</p> <p>Reason for Exclusion:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 10%; text-align: center;">BU</td> <td>Bullying</td> </tr> <tr> <td style="text-align: center;">DB</td> <td>Persistent disruptive behaviour</td> </tr> <tr> <td style="text-align: center;">DM</td> <td>Damage</td> </tr> <tr> <td style="text-align: center;">DA</td> <td>Drug and alcohol related</td> </tr> <tr> <td style="text-align: center;">OT</td> <td>Other</td> </tr> <tr> <td style="text-align: center;">PA</td> <td>Physical assault against an adult</td> </tr> </tbody> </table>	BU	Bullying	DB	Persistent disruptive behaviour	DM	Damage	DA	Drug and alcohol related	OT	Other	PA	Physical assault against an adult	
BU	Bullying												
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OT	Other												
PA	Physical assault against an adult												

PP	Physical assault against a pupil	
RA	Racist abuse	
SM	Sexual misconduct	
TH	Theft	
VA	Verbal abuse/threatening behaviour against an adult	
VP	Verbal abuse/threatening behaviour against a pupil	

Representation of the Head of Academy	
Carry out any on-going investigations – adult and pupil witnesses, excluded pupil statement, parental/carer viewpoint	
Make arrangements for setting and marking work for the first 5 days of the exclusion	
Make arrangements for educational provision from day 6 – if fixed term (LA arranges when permanent) – inform parents	
Notify the Clerk to Trustees who will arrange a meeting of the Trustees sub-committee and invite pupil, parents/carers and where appropriate the LA* - mutually convenient time	
<p>Produce Head of Academy report (reason for the exclusion and the case behind this – events leading to the exclusion) & gather all relevant documentation</p> <ul style="list-style-type: none"> • DO NOT use acronyms • If mentioning teachers and/or learning support assistants refer to them as Teacher (initials) LSA (initials) • If mentioning a particular classroom, mention the period/subject/ability level/teacher initials rather than the class name • If mentioning ability use one of the following; low, middle, high ability • Be as brief as possible DO NOT present a file to the committee • In the report refer to behaviours and if appropriate CPOMs in chronological order with the most recent event last • This report MUST be shared with the local authority and the legal guardian 5 working days prior to the Trustees sub-committee meeting • Once the report is written can you share with Designated Safeguarding Lead and Behaviour Support to ensure accuracy of information 	
Circulate documentation, with agenda and list of those attending 5 school days prior to meeting – paper copies to parents	
Encourage excluded pupil and parents to attend the meeting	
<p>Head of Academy will present their case for permanent exclusion to Trustees alongside the pupil and their legal guardian unless this would not be in the best interest of the pupil, in which case time slots will be allocated</p> <p>Head of Academy may;</p> <ul style="list-style-type: none"> • Ask for support/training in presenting a case prior to the Trustees sub-committee taking place 	
<i>* Academies do not have to invite LA – parents can request LA representation at meeting, speak if panel requests</i>	

Documents to be distributed	
History of Challenging Behaviour/Provision – especially important if persistently challenging behaviour (see report from Head of Academy, also needs to be in chronological order)	
Record or plan of current provision/interventions/strategies/targets: SLP, IEP, or Risk Assessment (see report from Head of Academy)	
Incident/response/rewards log (see report from Head of Academy)	
Statement from the excluded student – signed and dated	
Witness statements from staff and students, (if good reason for doing so, student versions can be anonymised prior to circulation, with signed, dated versions kept on file - may be required at Independent Review Panel)	
Policies (or sections of policies) - as relevant to the specific exclusion/student E.g. Behaviour/exclusion, SEND, Anti-bullying, Drugs, Restrictive Physical Intervention, Single Equalities Scheme	

Considering the reinstatement of a pupil	
<p>Trustees will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if;</p> <ul style="list-style-type: none"> • The exclusion is permanent • It is a fixed term exclusion which would bring the pupils total number of school days of exclusion to more than 15 in a term • It would result in a pupil missing a public examination <p>See section 5 of the Exclusion Policy</p>	
<p>Trustees must consider the interests and circumstances of the excluded pupil, and have regard for the other pupils and people working at the school.</p>	
<p>Trustees must also consider any representations made by or on behalf of parents and the Head of Academy.</p> <p>(representation made by the Head of Academy – STEP 3)</p>	

Trustees can...	
<p>Trustees can either;</p> <ul style="list-style-type: none"> • Decline to reinstate the pupil, or • Direct the reinstatement of the pupil immediately, or on a particular date <p>See Section 5</p>	
<p>Minutes of the meeting will be taken, and a record of evidence will be kept. The outcome will also be recorded on the pupils educational record.</p>	
<p>The Clerk to Trustees will notify, the Head of Academy of its decision, along with the reasons for its decision, without delay. It is the HoA responsibility to inform parents and the Local Authority.</p> <p>If the decision has been reached to uphold the permanent exclusion the HoA will arrange to have the pupil removed from the Academy roll and inform the LA.</p>	
<p>If the exclusion is permanent, Trustees will also include the following;</p> <ul style="list-style-type: none"> • The fact that it is permanent • The date by which an application for an independent review must be made 	

<ul style="list-style-type: none"> ▪ The name and address to whom an application for a review should be submitted ▪ That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the child's SEND are considered to be relevant to the exclusion ▪ That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the Local Authority/Ascent Academies' Trust to appoint an SEND expert to attend the review ▪ Details of the role of the SEND expert and that there would be no cost to parents for this appointment ▪ That parents must make clear if they wish for an SEND expert to be appointed in any application for a review ▪ That parents may, at their own expense, appoint someone to make a written and/or oral representations to the panel, and parents may also bring a friend to the review <ul style="list-style-type: none"> • That if parents believe that the exclusion has occurred as a result of discrimination, they must make a claim under the equality Act 2010 to the first tier tribunal (special educational needs and disability), 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 logged within 6 months of the date on which the discrimination is alleged to have taken place. 	
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Hearing day – most of this is for the Clerk to Trustees to organise	
Arrange the room so that the pupil and parents do not feel intimidated	
Have a spare set of papers available in case family do not bring their set to the meeting	
Allow reading time for any papers that have not been circulated prior to the meeting	
Only the Trustees subcommittee and Clerk to Trustees meet prior to the start of the meeting – everyone else remains outside the room	
Allow time for parents to arrive if they are not present at the start – try to contact to remind/check attendance (clerk)	
Introduction by the Chair – stick to the agenda with clerk taking notes	
Encourage pupil to contribute to the meeting	
All leave the room, except clerk, whilst Trustees deliberate and come to their decision	
Outcome can be fed back at the time and/or via written notification – same day or second working day if posted	
If upheld, the letter of notification must advise on the parents' right to request an independent review of the decision plus right to request for an SEND expert to be present at the Independent Review Panel for a Permanent exclusion	

Agenda (during the hearing)

Suggested agenda for the hearing:

Introduction

Introduction of those present by the chair, who explains how the meeting will be conducted and its possible outcomes

Case put forward in support of exclusion

Head of Academy presents his/her case in support of the exclusion, followed by questions from parents, LA representative (if present) and Trustees sub-committee

Parents/Cares put forward their views

Parents present their views, followed by questions from the Head of Academy, LA representative (if present) and Trustees sub-committee

LA representative (If present)

LA representative (if present) is given the opportunity to make any comments, followed by questions from the Head of Academy, parents and Trustee sub-committee

Summary of views

Head of Academy and parents both summarise their views on the exclusion

Chair's comments

Chair checks everyone has said what they want to say, and then instructs all parties except Trustees sub-committee members to leave the meeting

Decision

Trustees make their decision with the Clerk to Trustees in attendance. The Clerk to Trustees informs the HoA of the decision made. It is then the HoA responsibility to inform parents and the LA.

Making the decision

The committee must consider, on the balance of probability;

- Whether the child did what he/she is alleged to have done, and which behaviour policies were not followed
- Whether the correct procedures were followed
- The seriousness of the incident and the appropriateness of the length of the sanction
- The likelihood of the incident being repeated if the pupil was allowed to return
- The fairness of the exclusion in relation to any other pupils involved in the same incident
- Any relevant previous misbehaviour
- The support provided by the school and for how long it was provided
- Any SEN and/or disabilities the pupil may have and the additional support received to date
- Any mitigating circumstances – for example, the child having been bullied

When a permanent exclusion is upheld by the Trustees sub-committee, it must notify parents of its decision in writing and without delay.

This notification must include notice of parents' right to ask for the decision to be reviewed by an independent review panel and the following information:

- The date by which an application for a review must be made
- The name and address to whom 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, this should include a reference to how the pupil's special educational needs and Disabilities (SEND) are considered to be relevant to the exclusion
- That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the local authority (LA) or academy trust to appoint an SEND expert to attend the review
- Details of the role of the SEND expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish a SEND 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

There is a Trustee sub-committee letter template for;

- Do not uphold the decision
- Uphold Permanent Exclusion

Deadline to request an Independent Review

Page 27 of the guidance says that the pupil parents must submit their request for a review within **15 school days** of being notified of the Trustees decision to uphold the exclusion.

Where the parent has made a claim of discrimination under the Equality Act 2010 in relation to the exclusion, they must make their application for a review within **15 school days** of the final determination of the discrimination claim

An application outside this time frame must be rejected by the trust.

If however, the request is submitted during the timescale the Independent review panel hearings must be arranged by the Ascent Academies' Trust for the pupil. The academy trust must pay for it themselves.

The Ascent Academies' Trust must arrange a venue, which must be in private unless the panel directs otherwise. The venue should be appropriate, accessible to all parties and have a suitable area for the parties to wait separately from the panel before the review.

Independent Review Panel

Where a pupil has been permanently excluded and the Trustees have decided not to reinstate them, the pupil's parents can request an independent review panel hearing.

Informing parents of their rights

When a permanent exclusion is upheld by Trustees, it must notify parents of its decision in writing and without delay.

This notification must include notice of parents' right to ask for the decision to be reviewed by an independent review panel and the following information:

- The date by which an application for a review must be made
- The name and address to whom 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, this should include a reference to how the pupil's special educational needs and Disabilities (SEND) are considered to be relevant to the exclusion
- That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the local authority (LA) or academy trust to appoint an SEND expert to attend the review
- Details of the role of the SEND expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish a SEND 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

This is set out on pages 22-24 of the DfE guidance.

The pupil parents must submit their request for a review within 15 school days of being notified of the governing board's decision to uphold the exclusion.

*The Academy trust must make a reasonable effort to find a date for the review that all parties can attend. However, the hearing **must** begin within 15 school days of the day on which the LA/academy trust received the parent's application for a review.*

The independent panel will decide one of the following;

- Uphold the Trustees decision
- Recommend that Trustees reconsider reinstatement
- Quash the Trustees decision and direct that they reconsider reinstatement) only when the decision is judged to be flawed

For more information on independent review panel please refer to policy