

Camborne Science and International Academy

Suspension and Permanent Exclusion Policy



Approved by: The Principal

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CAMBORNE SCIENCE
& INTERNATIONAL ACADEMY

Learning to be Extraordinary

AMBITION | RESPECT | RESILIENCE | ALTRUISM | INTEGRITY

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Part A

1. Statement of intent

At **Camborne Science and International Academy** we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that suspension and permanent exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending or permanently excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or permanently excluding pupils should only be used as a means of last resort.

The trust has created this policy for the school to adapt to clearly define the legal responsibilities of the Principal, governing board and LA when responding to pupil suspensions and permanent exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education despite having been suspended or permanently excluded, by ensuring that appropriate arrangements are in place.

1.2 Terminology

- "The Trust" means the Athena Learning Trust.
- "School" means a school within the Athena Learning Trust.
- Principal means the Principal or Principal of the school.
- CEO means the Chief Executive Officer of the Athena Learning Trust.
- Trust Shared Service means the services, functions and staff of the Trust that are not contained within a school budget and/or are not the responsibility of a school Principal and/or Governing Body.
- Governing Body means the committee of the Board of Trustees to which Trustees have delegated appropriate powers and functions related to the governance of a school or group of schools.
- SEND means Special Educational Needs and Disability.
- EHCP means Education, Health and Care Plan.

- LA means Local Authority.
- LAC means Looked After Children.
- A **“Suspension”** is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year before being permanently excluded. A suspension does not have to be for a continuous period.
- **“Permanent Exclusion”** is defined as the permanent removal of a pupil from the school, in response to a serious breach or 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.

1.3 Application

This Athena Learning Trust Suspension and Permanent Exclusion Policy applies to the Athena Learning Trust as a whole and to all the schools in the Trust and the Trust Shared Service, in accordance with and pursuant to the Behaviour Policy and Anti-Bullying Policy of the Athena Learning Trust.

The Athena Learning Trust, including all the schools in the Trust, their Trustees, governors and staff, must abide by this Athena Learning Trust Suspension and Permanent Exclusion Policy.

This Procedure is subject to the Trust’s Scheme of Delegation for Governance Functions. If there is any ambiguity or conflict then the Scheme of Delegation and any specific alteration or restriction to the Scheme approved by the Board of Trustees takes precedence.

In implementing this procedure, the governing body, Principal and Trust staff must take account of any advice or instruction given to them by the Athena Learning Trust Director of Education, the Athena Learning Trust CEO or Board of Trustees.

If there is any question or doubt about the interpretation or implementation of this Procedure, the school’s Principal should be contacted: Emma Haase

1.4 Associated Policies and Procedures

The following Trust policies and their associated procedures are an integral part of this Athena Learning Trust Suspension and Permanent Exclusion Policy:

- Behaviour Policy
- Anti-bullying Policy
- Trust SEND Policy
- Safeguarding Policy

1.5 Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The European Convention on Human Rights (ECHR)

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2023) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2022) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

1.6. Roles and responsibilities

The governing body is responsible for:

The governing board is responsible for forming committees to review exclusions and suspensions when it is required to do so, it is requested by parents, or it is, in its view, prudent to review an individual decision. In each case, the decision of the relevant committee formed by the governing board will be to decide whether to uphold the suspension or permanent exclusion, or instead to reinstate the pupil to the school.

Governors are required to meet if any of the following apply:

- Parents request a review of a suspension issued
- The pupil has received 15+ days of suspension in one term
- The Principal or head teacher issues a Permanent Exclusion

The clerk to the governing board suspensions and permanent exclusions review panel is responsible for:

- Informing the appropriate individuals that they are entitled to:
 - Make written representations to the panel.
 - Attend the hearing and make oral representations to the panel.
 - Be represented.
- Circulating copies of relevant papers at least five school days before the review to all parties.
- Giving all parties details of those attending and their role, once the position is clear.
- Attending the hearing and ensuring that minutes are produced in accordance with instructions from the panel within the timeframe of the policy.

All decisions to suspend or permanently exclude a pupil will be taken by the Principal after considering all circumstances. Every decision made will be proportionate to the seriousness of the behaviour with reference to the school's behaviour policy.

Part B

2. Grounds for suspension or permanent exclusion

The school will only suspend in response to breaches of the behaviour policy that are not serious enough to warrant permanent exclusion but lesser sanctions are inappropriate.

The school will only permanently exclude a pupil in response to a serious or persistent breaches of the 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.

The following examples of behaviour will warrant the decision to suspend or permanently exclude a pupil:

Suspensions

1.	Non-compliance	Suspension Reintegration conversation or meeting. Then Reflection for two lessons and part of a break/lunch.
2.	Abuse or threat	
3.	Disrupting reflection after a names reminder; not arriving to reflection swiftly (within 5 minutes)	
4.	Repeated bullying ; discriminatory language	
5.	Misusing (social) media (e.g. filming staff/students)	
6.	Fighting , or bringing the school into disrepute	
7.	Smoking or vaping, including possession of a vape	
8.	Damage	
9.	Truantiing a lesson and refusal to follow instruction	



Permanent Exclusion

1. <u>Persistent</u> breaches of the behaviour policy that would seriously harm the education and welfare of staff and other students.	Permanent Exclusion
2. Serious breach of the behaviour policy that would seriously harm the education and welfare of staff and other students. Some examples are: assault, sexual assault, offensive weapon, prohibited item, drug dealing or possession, discriminatory abuse, serious verbal abuse or threatening behaviour.	

Pupils can be suspended on a fixed-period basis, i.e. for up to 45 school days within a year, or permanently excluded. In exceptional cases, pupils may receive a suspension prior to a permanent exclusion. For each decision, the principal will send the relevant letter setting out the rights of parents. A suspension cannot be converted into a permanent exclusion and so any subsequent permanent exclusion would be a fresh decision due to commence immediately after the suspension had ended. Exceptional circumstances may include where further evidence has come to light, or where the incident was serious and time is required to fully investigate the circumstances and consider alternatives.

3. The Principal's power to suspend and permanently exclude

Only the Principal has the power to suspend or permanently exclude a pupil from the school, and is able to decide whether either a suspension or permanent exclusion is appropriate. All suspensions and permanent exclusions will only be issued on disciplinary grounds.

The Principal is able to suspend pupils where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day. The Principal is also able to consider a pupil's disruptive behaviour outside of the school premises as grounds for suspension or permanent exclusion, in accordance with the school's Behaviour Policy.



When sending a pupil home following any suspension or permanent exclusion, the Principal will ensure that they exercise their duty of care at all times and will always inform the parents.

Any decision made to suspend or permanently exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and permanent exclusions and the school's wider legal duties, including the European Convention on Human Rights (ECHR). At all times, the Principal will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. race, sex, or disability, and will not increase the severity of a pupil's suspension or permanent exclusion on these grounds.

The Principal will apply the civil standard of proof when responding to the facts relating to a suspension or permanent exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the incident occurred as described.

The Principal will not issue any 'informal' or 'unofficial' suspensions or permanent exclusions, e.g. sending a pupil home to 'cool off', regardless of whether the parents have agreed to this. The Principal will not use the threat of suspension or permanent exclusion as a means of instructing parents to remove their child from the premises.

All suspensions and permanent exclusions will be formally recorded on the school's MIS system.

After every suspension a reintegration meeting will be held with both the student and their parent, or a reintegration conversation with just the student.

Cancelling suspensions or permanent exclusions

The Principal may cancel any suspension or permanent exclusion that has already begun; however, this power will only be used if the suspension or permanent exclusion has not already been reviewed by the governing board. Where a suspension or permanent exclusion is cancelled, the Principal will notify the pupil's parents, the governing board, the LA, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The Principal will offer the pupil's parents the opportunity to meet with the Principal to discuss the circumstances that led to the cancellation of the suspension or permanent exclusion, and the pupil will be allowed back into school.

The Principal will report the number of suspensions and permanent exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the governing board once per term, to allow the governing board to have appropriate oversight. Formal notification of a cancellation must be sent to the parents, governing board, LA and any social worker and VSH as appropriate.

Any days a pupil is suspended before its cancellation count towards the maximum 45 days of suspension in any school year.

If the pupil was permanently excluded and would go over the 45-day limit after counting the period they have been permanently excluded before it would be cancelled, then the permanent exclusion cannot be cancelled.

4. Factors to consider when suspending or permanently excluding a pupil

When considering the suspension or permanent exclusion of a pupil, the Principal will:

- Allow the pupil the opportunity to present their case once evidence has been collected.
- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.

The Principal will consider what extra support may be available for vulnerable pupil groups whose suspension and permanent exclusion rates are higher, to reduce their risk of suspension or permanent exclusion, including the following:

- LAC
- Pupils eligible for FSM
- Pupils with SEND
- Certain ethnic groups



Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Principal, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities. The full assessment procedures are outlined in the school's Social, Emotional and Mental Health (SEMH) Policy.

Where SEND or SEMH issues are identified, an individual plan will be created using the Trust Graduated Response Procedure outlined in the Trust SEND Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the Graduated Response process, then suspension or permanent exclusion may be considered. In accordance with the Equality Act 2010, under most circumstances a pupil with identified SEND or SEMH issues will only be suspended or permanently excluded after the Graduated Response process has been completed. The school will keep detailed records, highlighting that these pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination.

The Principal will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

In the event of a cancellation, formal notification must be sent to the parents, governing board, LA and any social worker and VSH as appropriate.

5. Preventative measures

Before taking a final decision to suspend or permanently exclude, the Principal will consider whether an off-site direction or managed move would be a reasonable alternative as a preventative measure to suspension or permanent exclusion.

Off-site direction

The governors may use their general powers to arrange for any registered pupil to attend at any place outside the school premises for the purpose of receiving educational provision intended to improve their behaviour.

The Principal will decide, in communication with the pupil and their parents (although parental consent is not required), whether off-site educational provision is an appropriate solution to managing a pupil's behaviour and avoid suspension or permanent exclusion. Whilst the school

may direct a pupil off-site in these circumstances without parental consent, the school will seek to work with the pupil and their parents to discuss and agree a plan for the off-site direction, including agreed review periods and objectives that are achievable for the pupil.

The governing board will notify parents, and the LA if the pupil has an EHC plan, in writing with information about the placement no later than two school days before the relevant day.

The school will keep any off-site placements under review by holding review meetings at intervals deemed appropriate by the governing board; the governing board will ensure, where possible, that review meetings are convened at a time suitable for the pupil's parents, and will invite parents in writing to each review meeting no later than six days before that date. Where parents request, in writing, that the governing board hold a review meeting, the governing board will arrange review meetings in response, as soon as is reasonably practicable, unless there has been a review meeting in the previous 10 weeks.

The Principal and their SLT will decide at each review meeting whether the arrangement will continue and for what period of time; the meeting will also decide arrangements for further reviews. Reviews will be recorded in writing, including any decisions made regarding the placement, and may include the governing body if appropriate.

Managed moves

Where it is thought to be in a pupil's best interest to transfer them to another mainstream school permanently, the Principal and their SLT will discuss this with the parents of the pupil, and the LA if the pupil has an EHC plan. The governing body may also be involved, if appropriate. Managed moves will only go ahead with the voluntary agreement of all parties involved, including the parents and the admission authority of the new school.

The school will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. The school will participate in information sharing with the pupil's new school, including sending data on prior and current attainment, academic potential and any risk management strategies. The school will also cooperate with the pupil's new school to create an effective integration strategy.

Parents who have concerns that a managed move is being forced on them or who are unhappy with a managed move will be referred to the Complaints Policy and Procedure.

6. Duty to inform parents (or student themselves if over 18)

Following the Principal's decision to suspend or permanent exclude a pupil, they will immediately inform the parents, in person or by telephone, supported by email communication, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.

If the pupil is 18 or over, the Principal must inform them personally rather than parents/carers.

The Principal will inform the parents in writing (or electronically if written permission has been received from the parents for notices to be sent this way) of the following:

- The reasons for the suspension or permanent exclusion
- The length of the suspension or permanency of the exclusion
- Their right to raise any representations about the suspension or permanent exclusion to the governing board, including how the pupil will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
- Relevant sources of free, impartial information

Where the pupil is of compulsory school age, the Principal will inform the parents by the end of the afternoon session that for the first five days of the suspension or permanent exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.

Where the Principal has arranged alternative provision, they will also inform the parents of the following:

- The start and end date for any provision of full-time education
- The address at which the provision will take place

- Any information necessary for the pupil to identify the person they should report to on the starting date

Where the Principal is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision. If the alternative provision is due to begin before the sixth day of the suspension or permanent exclusion, the Principal is able to give less than 48 hours of notice, with parental consent.

In exceptional circumstances (such as new information coming to light), if the Principal has decided to suspend the pupil for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents without delay and issue a new suspension or permanent exclusion notice to parents.

7. Duty to inform the governing board and LA

The Principal will inform the governing board, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the pupil)
- Any suspensions which would result in the pupil being suspended for more than 5 school days in a term (or more than 10 lunchtimes)
- Any suspensions or permanent exclusions which would result in the pupil being absent from an examination or national curriculum test

For any suspensions and permanent exclusions, other than those above, the Principal will notify the governing board once per term.

The Principal will inform the LA of all suspensions or permanent exclusions, regardless of their length, without delay.

All notifications to the governing board and LA will include the reasons for suspension or permanent exclusion and the duration of any suspension.

If a pupil who is suspended or permanently excluded lives outside the LA in which the school is located, the Principal will notify the pupil's 'home authority'.



8. Duty to inform social workers and the virtual school head (VSH)

When a pupil has been suspended or permanently excluded, the Principal will, without delay, notify the pupil's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.

Social workers and/or the VSH will also be informed when a meeting of the governing board is taking place, and will be invited to attend the meeting should they wish to do so.

The Virtual School Head (VSH) or social worker may request to join a meeting remotely (even if everyone else is attending in person). It is down to the governing body to decide whether to accept the request.

9. Arranging education for suspended and permanently excluded pupils

For any suspensions of more than five school days, the Principal will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of suspension. Where a pupil receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension. For permanent exclusions, full-time education will be provided for the pupil from the sixth day of permanent exclusion.

The governing board will not arrange full-time education for any pupil who is currently in their final year of compulsory education, and who does not have any further public examinations to sit in line with statutory guidance.

The governing board is aware that it is beneficial to suspended and permanently excluded pupils to begin their alternative education arrangements before the sixth day of suspension or permanent exclusion; therefore, the governing board will always attempt to arrange alternative provision before the sixth day. Where it is not possible to arrange alternative provision during the first five days, the school will ensure that they take reasonable steps to set and mark work for the pupil.

If a pupil with SEND has been suspended or permanently excluded, the governing board will ensure that:

- Any alternative provision is arranged in consultation with the pupil's parents, who are able to request preferences.
- When identifying alternative provision, any EHC plan is reviewed or the pupil's needs are reassessed, in consultation with the pupil's parents.

10. Considering suspensions and permanently exclusions

The governing board will consider any representations made by parents regarding suspensions and permanent exclusions.

Parents and, where requested, a friend or representative, the Principal, and a member of the LA will be invited to attend any consideration of suspensions and permanent exclusions and will be able to make representations. Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

Where it is appropriate to the pupil's age and level of understanding, the pupil will also attend any consideration meeting, and will be enabled to make a representation on their own behalf if they desire to do so.

The governing board will consider the reinstatement of a suspended or permanently excluded pupil, where:

- The exclusion is permanent.
- The suspension is fixed-period, and would bring the pupil's total number of suspended school days to more than 15 in any given term.
- The suspension or permanent exclusion would result in the pupil missing a public examination.

In the case of a suspension where the pupil's total number of suspended days is more than 5 but less than 16 school days within a term, if parents make representations, the governing board will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the governing board will consider the reinstatement on their own.

Where a suspension will take a pupil's total number of school days out of school above five but less than 15 for the term, and parents have not requested a governing board meeting, the



governing board will not be required to consider the pupil's reinstatement but it will have the power to do so if it deems it appropriate.

Where a suspension will not bring a pupil's total number of days of suspension or permanent exclusion to more than five days in a term, the governing board will consider all representations made by parents; however, the board cannot direct the reinstatement of the pupil and it is not required to arrange a meeting with parents.

Where suspension or permanent exclusion would result in a pupil missing a public examination, the governing board will consider the suspension or permanent exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of governors to consider the decision before the examination, a smaller sub-committee will consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

In light of the above, the governing board will also consider whether it would be appropriate to allow the suspended or permanently excluded pupil to enter the premises to take the examination.

When considering the reinstatement of a pupil, the governing board will:

- Only discuss the suspension or permanent exclusion with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow pupils and parents to be accompanied by a person of their choice to the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- Identify the steps needed to enable and encourage the suspended or permanently excluded pupil to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the pupil, including the grounds for suspension or permanent exclusion.

11. Reaching a decision

After considering suspensions and permanent exclusions, where the governing board has the power to decide whether to reinstate, the governing board will either:

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

If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the governing board will still consider whether the pupil should be officially reinstated, and whether the Principal's decision to suspend or permanently exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The governing board will apply the civil standard of proof when responding to the acts relating to a suspension or permanent exclusion, i.e. that on the 'balance of probabilities' it is more likely than not that the facts are true.

12. Notification of considered suspensions and permanent exclusions

The governing board will notify the parents of the suspended or permanently excluded pupil, the Principal, and the LA of their decision following the consideration of a suspension or permanent exclusion, in writing and without delay.

In the case of permanent exclusion, where the governing board decides not to reinstate the pupil, they will notify the parents:

- That the exclusion is permanent.
- Of their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the permanent exclusion.

- That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the governing board to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

The governing board will also notify parents that, if they believe a suspension or permanent exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

After any conclusion, the governing board will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

13. Removing permanently excluded pupils from the school register

The Principal will remove pupils from the school register if:

- 15 school days have passed since the parents were notified of the governing board's decision not to reinstate the pupil and no application for an independent panel review has been received.
- The parents have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.

If an application for an independent panel review has been made within 15 school days, the Principal will wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.

If a pupil's name is to be removed from the register, the Principal will make a return to the LA, which will include:

- All the particulars which were entered in the register.



- The address of any parent with whom the pupil normally resides.
- The grounds upon which the pupil's name is to be removed from the register.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

14. Independent review panel

The Trust works with both the Local Authority / and external providers to arrange an Independent Review Panel.

Parents are required to submit their applications by contacting the Local Authority and notifying the Trust Head of Governance and Compliance: gfahey@athenalearningtrust.uk within:

- 15 school days of the governing board's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of the above time frame will not be reviewed. Parents are able to request an independent review panel even if they did not make a case to, or attend, the governing board's initial consideration of the permanent exclusion.

The Trust will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance.

15. The governing body's duty to consider reinstatement following an IRP

Where the independent review panel directs or recommends that the governing board reconsider whether a pupil should be reinstated, the governing board must reconvene to do so within ten school days of being given notice of the panel's decision. It is important that the governing board conscientiously reconsiders whether the pupil should be reinstated, whether the panel has directed or merely recommended it to do so. Following a direction to reconsider, unless within ten school days of receiving notice of the panel's decision the governing board decides to reinstate the pupil, an adjustment will be made to the school's budget in the sum of £4,000 if the panel has ordered this. In the case of an academy, the school will be required to make an equivalent payment directly to the local authority in whose area the school is located. This payment will be in addition to any funding that would normally follow a permanently excluded pupil. If the governing board offers to reinstate the pupil within the specified timescale but this is declined by the parents, no budget adjustment or payment can be made. The governing board must comply with any direction of the panel to place a note on the pupil's educational record. In the case of either a recommended or directed reconsideration, the governing board must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay.

16. Criminal investigations

The Principal will not postpone taking a decision to suspend or permanently exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.

Particular consideration will be given by the Principal when deciding to suspend or permanently exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the governing board is required to consider the Principal's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

17. Complaints about suspensions or permanent exclusions

Complaints about suspensions or permanent exclusions fall under this policy where representations can be made in the hearings, not following the school's complaints policy.

18. Using data

The Principal will ensure that all data regarding suspensions and permanent exclusions is collected and provided to the governing board on a termly basis. The governing board will review this data regularly in order to:

- Consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- Gather information on pupils who are taken off the roll and those who are on the roll but attending education off-site.
- Determine whether there are any patterns of suspensions and permanent exclusions across the trust. (Trustees)
- Consider the effectiveness and consistency in implementing the Behaviour Policy.
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Understand the characteristics of suspended and permanently excluded pupils and evaluate equality considerations.
- Gather information on where pupils are receiving repeat suspensions.
- Evaluate interventions in place to support pupils at risk of suspension and permanent exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.
- Analysing whether the placements of pupils educated off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives.

19. Monitoring and review

This policy will be reviewed **annually** by the Principal in conjunction with the governing board. The next scheduled review date for this policy is **July 2025**.

All members of staff and governors will be required to familiarise themselves with this procedure as part of their induction programme.



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