

The Bishop Wheeler Catholic Academy Trust



Policy

Suspension and Permanent Exclusion Policy

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The Bishop Wheeler Catholic Academy Trust



Our Mission

Outstanding Catholic education for all pupils. As a family of schools, we will enable our young people to develop spiritually, morally, intellectually and personally, putting their faith into action, through serving Christ in others, in the church and in the world around them.

This policy was approved by the Resources Committee on behalf of the Trust Board

Signature: 

Mrs Helen Mills

Chair Trust Board

Date: 01/07/2025

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Change review

Version	Date	Changes
3.0	May 2025	Page 5 - Definitions updated

		Page 6 - Section A removed Page 6 – Purpose changed to Aims Page 7 – Legal Framework added Page 7 – DfE guidance updated with correct date of August 2024. Page 8 - Roles and responsibilities added. (part B removed) Page 8 – Headteacher responsibilities information added and changed. Page 10. – Informing parents updated Page 12 - Informing the Academy Council updated Page 12 – Informing the Local Authority updated Page 13 - Informing the pupil’s social worker and/or virtual school head (VSH) updated. Page 13 - Cancelling suspensions and permanent exclusions information updated. Page 14 - Providing education during the first 5 days of suspension or permanent exclusion updated. Page 14 - Roles and Responsibilities - The Academy Council added. Page 18 - Roles and Responsibilities - The Local Authority added Page 18 - Independent Review Panel updated Page 21 - Academy Council Duty to Reconsider Re-instatement updated. Page 23 - Removing Permanently Excluded Pupils from the School Register updated. Page 24 - CCTV, witness evidence and pupils’ views added Page 25 - Monitoring and Review of this Policy, added.
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Definitions

In this policy, unless the context otherwise requires, the following expressions shall have the following meanings:

BWCAT	The Bishop Wheeler Catholic Academy Trust.
Trust, we and our	Covers all the schools within The Bishop Wheeler Catholic Academy Trust and The Bishop Wheeler Catholic Academy Trust Office.
Trust Board	The Directors of the Trust Board.
Academy Council	Governors elected or appointed to individual Academy Councils.
Governors	Governors appointed to the Academy Council of the individual academy.
CEO	The Chief Executive Officer for the Trust.
Executive Headteacher/Headteacher	Executive Headteacher/Headteacher responsible for individual academies.
Academy/schools	Refers to the Academies within BWCAT.
Pupil	Refers to any pupil on roll at any of the BWCAT schools.
Parents	Refers to any person who holds parental responsibility for the pupil
Child and Children	Refers to children and young people under the age of 18 years.
Staff	Means all employees, temporary, casual, agency and contracted staff working for the Trust, volunteers and consultants.
VSH	Virtual School Head (VSH), is the lead person within the Local Authority for Looked After Children and Previously Looked After Children.
LA	Local Authority
Suspension	Described in legislation as an exclusion for a fixed period
Permanent Exclusion	When a pupil is removed from the school permanently and taken off the school roll.
AP	Alternative Provision (AP) refers to suitable full-time education that is arranged for a pupil from the sixth school day (or earlier) of a suspension or from the sixth school day (or earlier) after the first day of a permanent exclusion.
Academic Year	A school's academic year beginning with the first day of school after 31 July and ending with the first day of school after the following 31 July.
IRP	Independent Review Panel

The term ***must*** refer to what Headteachers/Academy Councils/Trust Board/Local Authorities/Parents and others are required to do by law. The term ***should*** refers to recommendations for good practice.

1. Aims

The purpose of this Suspension and Permanent Exclusion Policy is to outline the approach the Bishop Wheeler Catholic Academy Trust (BWCAT) will take in relation to the suspension and permanent exclusion of a pupil.

As a Trust, it is understood that good behaviour and discipline is essential for promoting a high-quality education and ensuring school is a calm, orderly and safe environment that supports all pupils to succeed. In the search for excellence and human flourishing, the Trust promotes good behaviour, self-discipline and respect so each child can achieve their full potential. Behaviour expectations are underpinned by the desire to live virtuously. The Trust promotes high standards of behaviour and pupil conduct based on mutual respect, dignity and worth. It is our desire to help our pupils develop a growing maturity in which motivation is intrinsic.

Amongst other disciplinary sanctions, the Trust recognises that the suspension or permanent exclusion of a pupil may be necessary where there has been a serious breach, or consistent breaches, of the school's behavioural policy. The Trust is committed to promoting and safeguarding the welfare of all pupils and staff, and so 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 the school. In all cases, suspension and permanent exclusion should only be used when necessary and as a last resort.

The Trust aims to:

- ensure a high quality of education is maintained and pupils and staff are safe
- clearly define the legal responsibilities of the Headteacher, Academy Council, Academy Trust and Local Authority (LA) when responding to pupil suspensions or permanent exclusions
- ensure that suspensions or permanent exclusions are lawful, rational, reasonable, fair, proportionate and consistently in line with DFE statutory guidance
- ensure there is no discrimination against pupils on the basis of protected characteristics
- ensure particular consideration is given to the fair treatment of pupils from groups who are vulnerable to suspension or permanent exclusion
- ensure appropriate educational provision is in place and the pupil's right to an education despite having been suspended or permanently excluded is maintained
- ensure consideration is given to any causal factors and intervene early in order to reduce the need for any subsequent suspensions or permanent exclusions
- ensure that suspension and permanent exclusions are only used when necessary and as a last resort.

This policy is to be read in conjunction with each school's:

- Anti-Bullying Policy
- Behaviour Policy
- Child Protection and Safeguarding Policy

- SEND Policy

2. Legal Framework

This policy is based on the statutory guidance from the Department for Education (DFE), 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' (August 2024).

www.gov.uk/government/publications/school-exclusion

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

- 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; and
- the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.
- the Equality Act 2010
- the Children and Families Act 2014
- the School Inspection Handbook, which defines 'off-rolling'.

Off-rolling and unlawful exclusions

Telling or forcing a pupil to leave school, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave school, or forbidden from attending school, on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and with regard to relevant parts of this policy.

Suspending a pupil for a short period of time, such as half a day, is permissible, however, the formal suspension process must be followed. Each disciplinary suspension and permanent exclusion must be confirmed to the parents in writing with notice of the reasons for the suspension or permanent exclusion.

An informal or unofficial exclusion, such as sending a pupil home 'to cool off', is unlawful when it does not follow the formal school exclusion process and regardless of whether it

occurs with the agreement of parents. Any exclusion of a pupil, even for short periods of time, must be formally recorded. It would also be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.

However, a pupil who repeatedly disobeys their teachers' academic instructions could be subject to exclusion. If any of these unlawful exclusions are carried out and lead to the deletion of a pupil's name from the register, this is known as 'off-rolling'.

A further example of off-rolling would be putting pressure on a parent to remove their child from the school under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or to find another school place.

3. Roles and Responsibilities

3.1 The Headteacher

Only the Headteacher, or acting Headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The Headteacher will only use permanent exclusion as a last resort.

A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year) or be permanently excluded.

Any decision of a school, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e., that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties, including the Human Rights Act 1998, the Children and Families Act 2014 and the Equality Act 2010); reasonable; fair; and proportionate.

When establishing the facts in relation to a suspension or permanent exclusion decision, the Headteacher must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the Headteacher should accept that something happened if it is more likely that it happened than that it did not happen.

A decision to permanently exclude a pupil will be taken only:

- 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.

A decision to suspend a pupil will be taken only:

- In accordance with the school's behaviour policy. Safeguarding and Health and Safety policies may also be referred to.
- To provide a clear signal of what is unacceptable behaviour.

Where suspensions have become a regular occurrence, the Headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

The Headteacher has the power to direct a pupil off-site for education to improve their behaviour.

A pupil at any type of school can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents and the admission authority of the school. However, the threat of suspension or permanent exclusion must never be used to influence parents to remove their child from the school.

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

- Consider all the relevant facts and evidence on the balance of probabilities.
- Allow the pupil to give their version of events
- Consider whether the pupil has special education needs (SEN)
- Consider whether the pupil is especially vulnerable, (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Consider whether alternative solutions have been explored.

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

Reasons and recording exclusions

Examples of unacceptable behaviour and serious breaches of the school's behaviour policy may include:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use or threat of use of an offensive weapon or prohibited item that has been prohibited by the school's behaviour policy
- Bullying

- Racist abuse
- Sexual misconduct
- Abuse against sexual orientation and gender reassignment
- Abuse relating to disability
- Inappropriate use of mobile phones or social media
- Drug and alcohol related incidents
- Damage
- Theft
- Health and safety incidents such as deliberately tampering with safety equipment (e.g. fire extinguisher/fire alarm)
- Bringing banned items or substances onto the school site

This is not an exhaustive list and the Headteacher will use their own professional judgement based on the individual circumstances to make a decision regarding suspending or permanently excluding a pupil.

Factors to Consider before Making a Decision to Permanently Exclude

The Headteacher will consider the following options prior to making the decision to permanently exclude a pupil:

- Further in school intervention and/or outreach support.
- A high quality alternative provision (AP) time-limited option to manage behaviour intervention. Any use of AP will be based on an understanding of the support a child or young person needs in order to improve their behaviour, as well as any SEND.
- An off-site direction (temporary measure that maintained schools and academies for similar purposes can use). The purpose of this would be to improve future behaviour. Depending on the individual needs and circumstances of the pupil, off-site direction into AP can be full-time or a combination of part-time support in AP and continued mainstream education. Page 22 of the DfE guidance.
- Managed move (permanent measure) as a preventative measure to a permanent exclusion. A managed move should only be offered as a permanent transfer, and only when the pupil has been attending the proposed new school under an off-site direction and a review of the direction has established that the pupil has settled well into the school and should remain there on a permanent basis. Under exceptional circumstances, such as a safeguarding concern, it may be appropriate for a pupil at any mainstream school to transfer to another mainstream school as a managed move, but this should only happen when it is in the pupil's best interest. Managed moves should be a permanent move, voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a managed move, it should contact the LA at an early stage.

Informing Parents

If the Headteacher decides to suspend or exclude a pupil, the parents must be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

Parents will be provided with the following information in writing, without delay,

- The reason(s) for the suspension or permanent exclusion
- The period of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about the parents right to make representations about the suspension or permanent exclusion to the Academy Council and how the pupil may be involved in this.
- How any representations should be made. in line with the statutory guidance
- Where there is a legal requirement for the Academy Council to hold a meeting to consider the reinstatement of a pupil, and that the parents have a right to attend the meeting, to be represented at the meeting (at their own expense) and to bring a friend.
- Information about the parents right to make a request to hold the meeting via the use of remote access and how and to whom to make this request.

If the pupil is of compulsory school age, the Headteacher (or delegated member of the SLT) will notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of the suspension or 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 good reason. This will include specifying on which days this duty applies.
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

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

- The start date of 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 session, where relevant.
- The address at which the provision will take place.
- Any information the pupil needs in order to identify the person they should report to on the first day.

If the Headteacher does not have 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 two school days before the provision is due to start.

The information above will be provided in writing but can be provided by any effective method. It should be noted that a notice is not made invalid solely because it has not been given by the required time.

If the Headteacher cancels the suspension or permanent exclusion, they will notify the parents without delay and provide a reason for the cancellation.

When notifying parents about a suspension or permanent exclusion, the Headteacher will draw attention to relevant sources of free and impartial information.

- A link to this statutory guidance on exclusions (<https://www.gov.uk/government/publications/school-exclusion>)
- Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities
- Autism Education Trust (AET), via the National Autistic Society (NAS) operates a helpline and advice service for parents whose child is at risk or has been excluded. They also provide guidance and advice for education professionals on good practice and the law with regard to autistic children/young people and exclusion. Contact 0207 903 3660. Website: autismeducationtrust.org.uk.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership).

Informing the Academy Council

The Headteacher will, without delay, notify the Academy Council of:

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

Informing the Local Authority (LA)

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

The notification will include:

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

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

The Headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

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

If a

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

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

If the Headteacher decides to suspend or permanently exclude a pupil with a social worker/a pupil who is looked after, they will inform the pupil's social worker/the VSH, as appropriate, without delay and no later than 3 days after the decision, that:

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

The information in will be provided in writing to the LA. Both the social worker and VSH should, as far as possible, attend the Academy Council meeting if there is one, in order to share information.

Social workers and VSHs, must be allowed to join a Academy Council meeting or IRP via the use of remote access, regardless of the format chosen, as long as the Academy

Council (for an Academy Council meeting) or Academy Trust (for a review panel meeting) are satisfied they will be able to participate effectively, they can hear and be heard (and see and be seen if participating by video) throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent.

Cancelling Suspensions and Permanent Exclusions

The Headteacher may cancel any a suspension or permanent exclusion that has already begun (or one that has not yet begun), but this can only happen when the Academy Council has not yet met to consider whether the pupil should be reinstated.

Where there is a cancellation:

- The Headteacher must notify the parents, the Academy Council, the LA and the pupil's social worker and VSH as applicable, without delay. The notification must also provide the reason for the cancellation;
- The Academy Council's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement;
- Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the cancellation which should be arranged without delay;
- The pupil must be allowed back into the school without delay.
- Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

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

For the first five days of a suspension, the school will take steps to ensure that work is set and marked for a pupil. This can include utilising any online pathways/resources. Reasonable adjustments to support a SEND pupil will be made.

3.2 The Academy Council

The Academy Council is responsible for considering parents' representations about a suspension or permanent exclusion decision made by the Headteacher.

For a suspension of more than five school days, the Academy Council along with the Headteacher will arrange suitable full-time education for any pupil of compulsory school age. This provision will begin no later than the sixth school day of the suspension.

The Academy Council will also monitor and analyse suspension and permanent exclusion data.

The Academy Council may delegate to a smaller sub-committee (Exclusion Committee) consisting of at least 3 Governors, including the Chair of Governors.

The Committee must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice from the Headteacher of the suspension or permanent exclusion if:

- The exclusion is permanent.
- It is a suspension which would bring the pupil's total number of days out of school to more than 15 in a term, or
- It would result in a pupil missing a public examination or national curriculum test.

The requirements are different for suspensions where a pupil would be suspended for more than five but less than 16 school days in a term.

In this case, if the parents make representations, the Academy Council will consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the Academy Council can consider reinstatement on their own.

Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for an Academy council to, so far as is reasonably practicable, consider the suspension or permanent exclusion before the date of the examination or test. If it is not practicable for a sufficient number of Academy Council members to consider the decision before the examination or test, the suspension or permanent exclusion may be considered by the Chair of Governors.

Whilst there is no automatic right for a suspended or permanently excluded pupil to take a public examination or national curriculum test on the school's premises, the Academy Council will consider whether it would be appropriate to exercise its discretion to allow a suspended or permanently excluded pupil onto the premises for the sole purpose of taking the examination or test or whether this could be facilitated in another way.

The following parties must be invited to a meeting of the Academy Council and allowed to make representations:

- Parents (and, where requested, a representative or friend).
- The pupil if they are 18 years or over.
- The Headteacher.
- The child's social worker if the pupil has one.

- The VSH if the child is LAC.

To Note: The LA will not be automatically invited, they will only be invited upon the request of the parents.

In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the Academy Council will consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents. There is also no deadline for this, however, if this does occur, then it should happen within a reasonable amount of time.

Taking into account, the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in Academy Council meetings and the pupil should be enabled to make a representation on their own behalf if they wish to do so.

When the Academy Council is legally required to consider the reinstatement of a suspended or permanently excluded pupil, the Academy Council (or sub-committee) will:

- Only discuss the suspension or permanent exclusion with the parties present at the meeting.
- Ask for any written evidence prior to the meeting, including witness statements and other relevant information held by the school such as those relating to a pupil's SEN and the pupil's school record.
- Where possible, circulate any written evidence and information to all parties, at least five school days in advance of the meeting. The Academy Council Clerk will co-ordinate the circulation of papers.
- Allow parents and the pupil to be accompanied by a friend, representative at the meeting (where a pupil under 18 is to be invited as a witness, the Academy Council should first seek parental consent).
- Invite the pupil's social worker, if they have one, and if the pupil is LAC, the VSH to attend
- 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 own behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider both the interests and circumstances of the suspended or permanently excluded pupil, and that of other pupils, staff, and school community as a whole.
- Consider any representation made by or on behalf of:
 - Parents of the pupil if they are under 18 years' old
 - The Headteacher
 - The pupil's social worker if the pupil has one
 - If the pupil is looked after, the VSH

- Apply the civil standard of proof, i.e. ‘on the balance of probabilities’ (it is more likely than not that a fact is true) rather than the criminal standard of ‘beyond reasonable doubt’.

The meeting can be held remotely at the request of the parents.

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

The Academy Council **when they have the power to do** so, can either:

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

In reaching a decision, the Academy Council 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, their peers and staff
- Any evidence that was presented to the Academy Council

They will decide whether or not a fact is true ‘on the balance of probabilities’

The clerk to the Academy Council will be present when the decision is made.

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.

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

- The Headteacher
- The parents, or the pupil if they are over 18
- The pupil’s social worker, if they have one
- The VSH, if the pupil is looked after
- The local authority

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

- That the exclusion is permanent, and their right for it to be reviewed by an independent review panel.
- The date by which an application for review must be made, which must be 15 school days from the date on which notice in writing of the Academy Councils decision is given to parents.

- The name and address of whom the review application should be submitted to. The review application should be submitted to:

Mrs Jemma Johnson
Trust Head of Governance
j.johnson@bwcat.org
The Bishop Wheeler Catholic Academy Trust
Bradford Road, Menston
LS29 6AE

- 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 are considered relevant to the exclusion.
- That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the Trust to ensure a SEND expert attends the review. Parents are required to make it clear if they wish for a SEND expert to attend the review.
- Details of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
- That parents may appoint someone at their own expense to make representations to the panel, and parents may also bring a friend to the review.
- The Academy Council will also notify parents that, if they believe 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.

3.3 The Local Authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the 6th school day after the first day of the exclusion.

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

This will be the pupil's 'home authority' in cases where the school is maintained by (or located within) a different LA.

4. Independent Review Panel

If applied for by parents **within the legal time frame**, the Bishop Wheeler Catholic Academy Trust will arrange for an independent review panel hearing to review the decision of an Academy Council not to reinstate a permanently excluded pupil.

The legal time frame for an application is:

- Within 15 school days of notice being given to the parents by the Academy Council of its decision not to reinstate a permanently excluded pupil.
- Where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

Any application made outside of the legal time frame will be rejected by the Trust.

The Trust will not delay or postpone arranging an independent review panel where parents also make a claim of discrimination in relation to the exclusion to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court.

Independent reviews can be held remotely at the request of parents.

The venue will be accessible to all parties. The Head of Governance will liaise with the Clerk to arrange a venue for hearing the review. Whatever the venue, the panel will hold the hearing in private unless the Trust Board directs otherwise.

Appointing a Panel

The Head of Governance will liaise with the arranging MAT to constitute the panel with either three or five members (as decided by the Trust) representing each of the three categories below. A three-member panel will be constituted with one member for each of the categories below. A five-member panel will be constituted with two members from each of the categories below:

- 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 (including directors of academy trusts) who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or Headteachers during that time.
- Headteachers or individuals who have been a Headteacher within the last five years.

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

- Are a Director of the Academy Trust or Governor of an Academy Council of the excluding Trust.
- Are the Headteacher of the excluding school or anyone who has held this position in the last five years.
- Are an employee of the Bishop Wheeler Catholic Academy Trust.
- Have, or at any time have had, any connection with, The Bishop Wheeler Catholic Academy Trust, the school, the Academy Council, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about

their impartiality (though an individual must not be taken to have such a connection simply because they are employed by the Trust as a Headteacher at another school)

- Have not had the required training within the last two years.

The arranging MAT will make arrangements to indemnify panel members against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review which are taken in good faith.

Every care should be taken to avoid bias or an appearance of bias. The arranging MAT should request that prospective panel members declare any conflict of interest at the earliest opportunity.

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

Taking into account the pupils 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, would they desire to.

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

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

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

Following its review, the panel can decide to:

- Uphold the Academy Council's decision not to reinstate.
- Recommend that the Academy Council reconsiders reinstatement; or
- Quash the Academy Council's decision and direct that the Academy Council reconsiders reinstatement.

The panel's decision does not have to be unanimous and can be decided by a majority vote. In the case of a tied vote, the Chair has the casting vote.

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

If evidence is presented that the panel considers it is unreasonable to expect the Academy Council 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 Academy Council reconsiders reinstatement.

If the panel upholds the Academy Council's decision not to reinstate, the Clerk should immediately report this to the LA (who should inform, where a pupil has, a social worker and VSH), and notify the parents and the Academy Council. If the pupil lives outside the LA area in which the school is located, the clerk should make sure that the 'home authority' is also informed in writing of the outcome of the review without delay. This includes any situation where parents withdraw or abandon their application for a review.

5. Academy Council Duty to Reconsider Re-instatement

When an independent review panel directs or recommends a pupil's reinstatement, the Academy Council will consider the pupil's reinstatement afresh.

Where the panel directs or recommends that the Academy Council reconsider whether a pupil should be reinstated, the Academy council will reconvene **within ten school days** of being given notice of the panel's decision. Notice is deemed to have been given on the day of delivery if it is delivered directly or on the second working day after posting if it is sent by first class mail.

The Academy Council will conscientiously reconsider whether the pupil should be reinstated, whether the panel has directed or merely recommended it to do so.

In the case of either a recommended or directed reconsideration, the Academy Council will notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:

- The parents.
- The Headteacher.
- The LA and, where relevant, the 'home authority'.

The reconsideration provides an opportunity for the Academy Council to look afresh at the question of reinstating the pupil, in light of the findings of the independent review panel.

There is no requirement to seek further representations from other parties or to invite them to the reconsideration meeting. The Academy Council is not prevented from taking into account other matters that it considers relevant. It will take care to ensure that any additional information does not make the decision unlawful.

The Academy Council will ensure that clear minutes are taken of the meeting as a record of the evidence that was considered. These minutes should be made available to all parties on request.

The Academy Council will note the outcome of its consideration on the pupil's educational record, and copies of relevant papers should be kept with the educational record.

The Academy Council will base its reconsideration on the presumption that a pupil will return to the school if reinstated, regardless of any stated intentions by the parents or pupil. Any decision to offer reinstatement which is subsequently turned down by the parents should be recorded on the pupil's educational record. The Academy Council's decision should demonstrate how they have addressed the concerns raised by the independent review panel.

6. Removing Permanently Excluded Pupils from the School Register

The correct removal of pupils from the school admission register is critical to ensuring that permanent exclusions are carried out lawfully and that such pupil movements can be effectively monitored. By carrying this role out properly, Academy Councils can reduce opportunities for the illegal off-rolling of children and make this issue easier to identify and tackle.

The Academy Council must ensure that the Headteacher removes the pupils name from the school register if:

- 15 school days have passed since the parents were notified of the Academy Council 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.

The school cannot backdate the deletion of the pupil's name to the date the pupil's exclusion began.

If an application for an independent panel review has been made within 15 school days, the Headteacher will wait until the review has been determined, or abandoned, and until the Academy Council 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 Headteacher 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.
- If the pupil's parent or parents have told the school that the pupil is going to live with one or more of them at a new address, the return must also include the new

address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there.

- If the pupil's parent or parents have told the school that the pupil is already registered at another school or is going to go to another school, the return must also give the name of that school and the first date when the pupil attended or is due to attend there.

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.

The common transfer file should be transferred within 15 school days of the pupil ceasing to be registered at the school.

7. Reintegration strategy meetings following suspension or off-site direction.

The school will have a strategy for reintegrating a pupil who returns to school following a suspension or after a period of being educated off-site and for managing their future behaviour. This is so the pupil can be supported to successfully readjust back into a normal routine. This will include ensuring a re-integration meeting takes place between e.g. senior staff members, pastoral inclusion staff, mentors, teachers, pupils, parents, or where relevant, other multi-agency organisations such as the safer school's team or the pupil's social worker, if they have one, to ensure a successful return into mainstream school or other suitable provision.

During this re-integration meeting, it may be appropriate to discuss with the pupil the reasons that led to the sanction being used and setting targets they can report back on with relevant staff, e.g. form teacher/tutor/pastoral inclusion mentor. As far as possible, the school will work with the pupil, so they can understand the impact of their behaviour on their own learning and that of others, and how to improve their behaviour in the future. The school will communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success.

A pupil will not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a re-integration meeting. The re-integration meeting will go ahead with the pupil even if parents are unable or unwilling to attend. Minutes will be taken

of the re-integration meeting which will be distributed to all relevant parties after the meeting has taken place.

8. Police Involvement and Parallel Criminal Proceedings

The Headteacher will not postpone taking a decision on a suspension and permanent exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the Headteacher will need to take a decision on the evidence available to them at the time alongside considering general safeguarding principles.

Where the Academy Council is required to consider a reinstatement in these circumstances, it will not postpone its meeting and must decide whether or not to reinstate the pupil on the evidence available.

The fact that parallel criminal proceedings are in progress will also not directly determine whether an independent review panel should be adjourned. Relevant factors for the panel to consider will include:

- Whether any charge has been brought against the pupil and, if so, what the charge is.
- Whether relevant witnesses and documents are available.
- The likely length of delay if the hearing were adjourned and the effect it may have on the suspended or permanently excluded pupil, the parents, any victim, or the school.
- Whether an adjournment or declining to adjourn might result in injustice.

Where a panel decides to adjourn, the Clerk (or Trust Head of Governance where a clerk is not appointed) will monitor the progress of any police investigation and/or criminal proceedings and reconvene the panel at the earliest opportunity. If necessary, the panel may adjourn more than once.

9. CCTV, witness evidence and pupils' views

Some schools in the Trust use CCTV within its premises. This is to provide a safe and secure environment for pupils, staff and visitors. If behavioural incidents are recorded on CCTV, the footage may be viewed as part of the investigation and the content considered before imposing a sanction. If CCTV is relied upon for a decision on a suspension or permanent exclusion, then it will be shown in some format (redacted if necessary) at any Governor review meeting. Please see the Trust CCTV and Data Protection policies for more information.

Where witness evidence is relied upon, whether that be from a pupil or staff member, the statement(s) will be provided at any Governors review meeting. All statements will be

signed and dated unless the Headteacher has good reason to protect the anonymity of the relevant witness, redaction may need to be applied.

Before taking a decision to suspend or permanently exclude a pupil and where appropriate, the Headteacher will take the pupil's views into account. Considering these in light of their age and understanding and inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil will be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker.

10. Monitoring and Review of this Policy

The Trust are responsible for reviewing this policy every three years or when changes to legislation are made, to ensure the policy meets legal requirements and reflects best practice.

The 16 schools in our Trust:

St. Mary's Menston, a Catholic Voluntary Academy

St. Joseph's Catholic Primary School Otley, a Voluntary Academy

Ss Peter and Paul Catholic Primary School, a Voluntary Academy

Sacred Heart Catholic Primary School Ilkley, a Voluntary Academy

St Mary's Horsforth Catholic Voluntary Academy

St. Joseph's Catholic Primary School Pudsey, a Voluntary Academy

St Joseph's Catholic Primary School Harrogate, a Voluntary Academy

St Mary's Catholic Primary School Knaresborough, a Voluntary Academy

St. Stephen's Catholic Primary School and Nursery, a Voluntary Academy

Holy Name Catholic Voluntary Academy

St Roberts Catholic Primary School, a Voluntary Academy

St John Fisher Catholic High School Harrogate, a Voluntary Academy

St Joseph's Catholic Primary School Tadcaster, a Voluntary Academy

Barkston Ash Catholic Primary School, a Voluntary Academy

St Joseph's Catholic Primary School Barnoldswick, a Voluntary Academy

St Wilfrid's Catholic Primary School, a Voluntary Academy



The Bishop Wheeler Catholic Academy Trust

The Bishop Wheeler Catholic Academy Trust is a charity and a company limited by Guarantee, registered in England and Wales.

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