



OASIS COMMUNITY LEARNING EXCLUSIONS POLICY

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At a glance

In developing a policy for Exclusions, it is vital that we hold tight to the Oasis vision - for community – a place where everyone is included, making a contribution and reaching their God-given potential. Our ethos is a statement of who we are and it is an expression of our character. Rooted in the story and beliefs of Oasis, we describe our ethos through a particular set of values that inform and provide the lens on everything we do.

- **A passion to include**
- **A desire to treat people equally respecting differences**
- **A commitment to healthy, open relationships**
- **A deep sense of hope that things can change and be transformed**
- **A sense of perseverance to keep going for the long haul**

It is these ethos values that we want to be known for and live by. It is these ethos values that also shape our policies. They are the organisational values we aspire to and must be the lens on all our work. We are committed to a model of inclusion, equality, healthy relationships, hope, and perseverance throughout all the aspects of the life and culture of every Oasis Hub and community.

Therefore, right at the heart of Oasis is this deep-rooted commitment to inclusion and equality. This is inescapable and must be core to our delivery of this Exclusions policy. We recognise that one size does not fit all and that through our actions we can enable all of our community to participate and achieve.

We also recognise that some of our students will need more, or different, from us. We aim for and work for equity - adjusting and supporting to facilitate access, and ultimately, we look to our own systems and structures to move towards justice, where our everyday 'norm' is accessible to all without the need for anyone to feel like an outsider.

Therefore

- We believe all our students are precious; we prioritise social inclusion and integration in all we do
- We model and set high aspirations and expectations for every student and member of staff
- We provide opportunities and experiences for all of our students, as well as their wider families, giving advantage to the disadvantaged.

Checklist

- Our approach to exclusions is underpinned by the Oasis Ethos and 9 Habits. To create and maintain healthy, open relationships and to ensure we remain committed to treating people equally, we seek to intentionally focus on being patient, honest, humble and forgiving. For instance, in the process of hearing an exclusion, we will need to act humbly and honestly, particularly when explaining a student's behaviour to parents or carers. Equally, it is our intention that being forgiving will form a central part of the way in which we listen to, discuss and deal with exclusions together.
- We will see exclusion as a last resort and ensure we are proactive in our care and support for all, following the graduated response approach to ensure we are intervening as early and as effectively as possible
- Our proactive approach to understanding and responding to behaviour to ensure that exclusion is a last resort will be guided by the trauma informed, relational and restorative principles of The Oasis Way for Inclusive Practice
- We will be open and supportive in the way we deal with exclusions and act fairly and proportionately
- We will convene an Exclusion Panel within 15 school days to review any permanent exclusion; any suspension which would bring the pupil's total number of school days out of school to more than 15 in a term; or any suspension or exclusion which would result in a pupil missing a public examination or national curriculum test
- We will convene an Exclusion Panel within 50 school days to review any suspension lasting more than five but less than 16 school days, where the parents or carers request this
- We will ensure that Regional Directors and local authorities are notified of all suspensions and exclusions
- We will consider the mental health assessment needs of any pupil facing permanent exclusion
- We will listen to all parties in an exclusion review meeting to understand what happened and explore the support that was put in place to support a student prior to the event that has triggered the exclusion.
- Exclusions will follow the process outlined below in line with DfE guidance.
- We will monitor exclusions so that we can learn from them and make improvements to our support and intervention for students, systems and processes.

In brief

This policy outlines our approach to exclusions across OCL. The policy provides statutory guidance in relation to exclusions. The policy makes links to other guidance in areas such as The Oasis Way for Inclusive Practice for our approach to behaviour and pastoral care and SEND, and equality.

Through this policy Oasis Community Learning aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by Regional Directors, staff, parents and students
- Students in academies are safe and happy
- Students do not become NEET (not in education, employment or training)

Following the release of the latest DfE statutory guidance, exclusions formerly referred to as 'fixed term' have become 'suspensions'. This policy uses this new terminology throughout.

This policy is for academy leaders and parents and should be read alongside the Statutory Guidance on exclusions, which Principals and Exclusion Panels must have regard to.

Principal in this policy replaces the term 'Headteacher' in DfE guidance and applies equally to an acting/Interim Principal.

Parent in this document include any person who has parental responsibility (which includes the Local Authority where it has a care order in respect of the child) and any person (for example foster carer) with whom the student lives or has care of the child. It is expected that all those with parental responsibility should be engaged with the exclusions process. Where the young person being excluded is 18 or over, they will be the 'relevant person' in place of the parents.

Only the Principal can exclude a student from the Academy. If the Academy does not have a Principal, then an Acting Principal can exclude a student. A permanent exclusion will be taken only as a last resort. Any decision to exclude must be lawful (with respect to the legislation relating directly to suspensions/exclusions and the Academy's wider legal duties), rational, reasonable, fair and proportionate and fully aligned to our ethos and 9 Habits. In every instance where a student is sent home for disciplinary reasons, Principals must formally record and specify the length of the exclusion.

Unlawful Exclusions / Suspensions

- 'Informal' or 'unofficial' exclusions, such as sending students home 'to cool off' are unlawful, regardless of whether they occur with the agreement of parents or carers.
- If a student is sent home in response to a breach of discipline, even for a short period of time, this must be formally recorded as a suspension.
- The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion but a new decision to suspend or permanently

exclude to begin immediately after the first suspension ends, can be made in exceptional cases (usually where further evidence has come to light).

It is unlawful to suspend/exclude or to increase the severity of a suspension for a non-disciplinary reason for example:

- because the student has additional needs or disability that the Academy feels unable to meet
- time needed to arrange a multi-agency, review or planning meeting
- failure of a student/parent to meet specific conditions before the student is reinstated

However, there may be a rare occasion when a pupil needs to work away from the school because of safeguarding considerations. For example, where an investigation needs to be undertaken. There is case law to support suspension for safeguarding reasons and this point is currently being developed by the DfE. If this instance needs to be considered it will be discussed with the Director of Safeguarding and the Regional Director to ensure the right course of action is undertaken.

Part-time Timetables

The use of a part-time timetable can also constitute an unlawful exclusion, where the student is not allowed in school for lessons/sessions because of behaviour or special needs.

A part-time timetable is an agreement between a parent/carer, the Academy and student. As a guide, it is suggested that this should be limited to a period of half a term but may go beyond this depending on the student's circumstances. When considering a part time timetable safeguarding of the pupil must be considered and a clear expectation around the supervision of the child during normal school hours must be clearly defined in the parental agreement.

Academies have a duty of care for all students on their roll. The Academy must ensure that when a student is not expected to attend, there is a written agreement with parents or alternative education providers about who is responsible for keeping the student safe for the time they would normally be in the Academy.

The Academy will have regular review meetings with parents and external agencies (if appropriate). It is suggested these take place every two weeks initially. This will be an opportunity to discuss any further support and to consider if all the objectives of the reduced timetable are being met.

At the end of the agreed period of the reduced timetable, the Academy will have a re-integration review meeting. This will be an opportunity to discuss with parents, carers and the student whether the objectives of the reduced timetable have been

met and to agree any on-going support necessary for the student. A reduced timetable is rarely effective in managing pupils at risk of exclusion. Limiting their access to education is unlikely to help them develop in their areas of need. It is best practice in OCL to discuss any part time education with the relevant Regional Director.

There is an OCL template that includes a parental agreement must be shared with and signed off by the Regional Director before it comes into effect. Please contact your Regional EA. Also, the Part Time Timetable box on Bromcom should be tagged to allow monitoring at a national level within OCL.

Behaviour outside the Academy

The behaviour of students outside the Academy can be considered as grounds for exclusion where it is reasonable to do so. The Academy's behaviour policy will set out what the Academy will do in response to all non-criminal poor behaviour and bullying including cyber-bullying and on-line harms, which occurs anywhere off the Academy premises. This behaviour could include bringing the Academy into disrepute.

Parents should be directed to the Academy's Behaviour Policy and the OCL Behaviour for Learning Policy available on the Academy website.

Preventative Measures – The Oasis Way for Inclusive Practice

The Oasis Way for Inclusive Practice outlines our framework for Behaviour and Pastoral Care, SEND and personal development. This is the proactive foundation for responding to all behavioural communication and needs for our Academies. The Oasis Way is enacted through our three principles of practice: relational culture, reflective practice and the 9 Habits.

The Oasis Way aspires to redress this inequality through a transformational approach that rewrites the story of what a truly inclusive education should look like in the 21st century. For children living in communities impacted by inequality, we seek to provide a trauma-responsive education system that takes a different approach.

The Oasis Way rewrites the story for our communities by:

- Actively building a sense of belonging for each child so that they feel secure in their place within the academy community
- Prioritising the development of strong relationships with safe, trusted adults, underpinned by compassion and a belief in each child's capacity to thrive

- Proactively teaching children the social and emotional skills they require to self-regulate, build resilience and develop outstanding character
- Meeting children where they are at, providing reasonable adaptations to the curriculum and supportive interventions to empower them to make progress academically, socially and emotionally
- Taking a holistic, child-centred and strengths-based approach to supporting children with additional needs
- Empowering children and their families to use their voices to contribute to the development of a flourishing academy culture
- Supporting children to map their own pathways to the future, so they are given real choices in their lives

The Oasis Way provides a framework for Behaviour and Pastoral Care that centres intentional relationship building and a trauma-responsive ethos. Academies make use of toolkits to support the development of a relational culture and ethos that ensures belonging is built for every child, including those who are disadvantaged and have SEND. We support all members of staff to develop the skills required to understand how to respond to children's emotions as effective co-regulators, and restorative processes to repair the harms caused when relationships are damaged. We take a team around the child approach to working together to ensure that the voices of children, families and external professionals are honoured in finding the right support and interventions to meet the needs of every child, so that exclusion remains a last resort.

The Oasis Way also provides a framework for Special Educational Needs and Disabilities that enacts a child-centred model and celebrates difference as an asset. Academies make use of toolkits to support the development of a clear graduated approach that ensures that SEND is a whole-school priority, so that all staff know the strengths and development areas of every child with additional needs, and how to meet these in their work. We focus strongly on Wave 1 Quality First Teaching to ensure that the progress and inclusion of students with SEND is prioritised in the planning and delivery of every lesson, every day, and ensure that each academy's SEND offer provides an appropriate and data-responsive range of interventions at Wave 2 and Wave 3 so that all children are given the support they need to succeed.

More information can be found on our portal: [The Oasis Way for Inclusive Practice](#).

As outlined in The Oasis Way for Inclusive Practice, Academies should develop a robust graduated response internally that connects different departments within the school, ensuring information and approaches are shared between the pastoral, safeguarding, SEND and teaching teams. Proactive, timely intervention has the biggest impact in supporting children to re-engage with learning and the school

community. Academies should review the pre-suspensions and exclusions checklists (see Appendix 3 and Appendix 6) and ensure they have exhausted all possible intervention strategies before considering suspension.

Examples of interventions schools can consider include:

- frequent and open engagement with parents, including home visits if deemed necessary
- providing mentoring and coaching
- completing child-centered and solution-focused planning tools
- completing a Relational Support Plan and a Responsive Co-Regulation Plan
- consideration of the pupil's mental health, including where possible a mental health assessment by the OCL Mental Health Team or local CAMHS service;
- engaging with local partners and agencies to address specific challenges such as poor anger management, a lack of resilience and difficulties with peer relationships and social skills

Initial intervention to address underlying factors leading to misbehaviour should include an assessment of whether appropriate provision is in place to support any SEND that a pupil may have.

The 'graduated response' should be used to assess, plan, deliver and then review the needs of the pupil and the impact of the support being provided. If the pupil has an Education, Health and Care Plan (EHCP), early contact with the Local Authority about the behavioural issues would be appropriate and an emergency review of the plan might be needed.

If a pupil is subject to a statutory child protection, child in need or looked after plan then early contact with the allocated social worker is crucial to ensure a coordinated approach. However, the social worker does not have the right to veto a course of action decided on by the Principal or designate.

Where a school has serious concerns about a pupil's behaviour, that impact on wider concerns than just education, it should consider whether a multi-agency assessment such as an early help assessment or statutory assessment that goes beyond the pupil's educational needs is required.

Principals should consider what extra support might be needed to identify and address the needs of students from groups identified nationally as being at greater risk of exclusion, such as students eligible for Free School Meals; Looked After Children and students from certain ethnic groups including Gypsy / Roma, Travellers of Irish Heritage, and Black Caribbean communities.

Throughout all of this, the enacting and embodying of the Oasis ethos and 9 Habits is essential, particularly in and through all forms of communication with parents and students.

SEND Reviews

Principals must take account of their statutory duties under the SEND Code of Practice when administering the suspension/exclusion process. They should, as far as possible, avoid excluding permanently any student with an Education Health and Care Plan (EHCP).

Where an Academy identifies a student with an EHCP, who is at serious risk of disaffection or exclusion, an interim or early review should be called. It will then be possible to consider the student's changing needs and provision as an alternative to the student being excluded.

Pupils with SEND

Leaders must ensure that academies have made reasonable adjustments for children with SEND or those with other disabilities before they resort to suspension or exclusion. Sometimes children can demonstrate behaviour which is due to their additional need or disability rather than them being naughty or disruptive. Academies should ensure they have reviewed guidance from The Oasis Way for Inclusive Practice on regulation, inclusive environments and the range of tools that will be useful to support solution focused planning around a child with SEND.

Academies should engage proactively with parents in supporting the behaviour of pupils with additional needs. Academies must be mindful of the increased safeguarding risks that children with SEND may face, and consider these in each situation.

Where an academy has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHCP it should, in partnership with others (including where relevant, the Local Authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability.

Where a pupil has an EHCP, schools should contact the Local Authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude.

For those with SEND but without an EHCP, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate

and what changes may be required. This may provide a point for academies to request an EHCP assessment or a review of the pupil's current package of support.

Alternatives to Suspension / Permanent Exclusion

In line with the Oasis vision and the enacting of the Oasis Ethos, academies must try and avoid the need to use suspensions if at all possible and in the case of permanent exclusion, this must be a last resort. Alternatives to permanent exclusion must be considered albeit that not all alternatives will be relevant in each situation. Academies should exhaust all possible intervention strategies as listed in the pre-suspensions checklists (see Appendix 3 and Appendix 6) and sought guidance from the National Leads for Student Inclusion before making a decision to permanently exclude.

Alternative Provision

(See [OCL Alternative provision policy](#))

Through their general management powers, Principals have the power to direct a student to alternative provision to improve their behaviour. The DfE Guidance on Alternative Provision (AP) should be followed where a direction is being issued and consideration given to the aims of directing to alternative provision. Any direction will need to be kept under review and be time limited. Only AP provision that has been assessed and approved by Oasis should be commissioned, new settings must be assessed before use (<https://forms.office.com/r/dDdrDKhipn>).

During the off-site direction to another school, pupils must be dual registered. Code B should be used for any off-site educational activity, if the provision is an approved educational activity that does not involve the pupil being registered at any other school the name of the off-site setting should be recorded in the statutory field in Bromcom.

When possible, in-school interventions or targeted support from AP schools should be used to meet a pupil's individual needs and circumstances – whether behavioural or special educational.

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.

Before alternative provision begins

A proposed maximum period should be discussed and agreed upon as part of the planning phase for an off-site direction as well as a thorough discussion of the objectives of the placement and curriculum input the child will receive. As part of planning, alternative options should be considered once the time limit has been reached, including a managed move on a permanent basis (if a pupil is in a mainstream school) upon review of the time-limited placement. The academy should use the OCL form that assesses a pupil's needs, current provision and why a proposed setting better meets the pupil's educational needs (<https://forms.office.com/r/eD1CidZxcV>).

During an alternative provision placement

The length of time a pupil spends in another mainstream school or AP and the reintegration plan must be kept under review by the Principal, who must hold review meetings at such intervals as they, having regard to the needs of the pupil, consider appropriate, for as long as the requirement remains in effect.

Not later than six days before the date of any review meeting, a Principal must give a written invitation to parents (or the pupil if 18 or older) (and the Local Authority if the pupil has an EHCP) to attend the review meeting, or to submit in writing before the date of the meeting their views as to whether off-site direction should continue to have effect.

The Principal must ensure, insofar as is practicable, that any review meeting is convened on a date, and at a time, that is suitable for the parent.

The Principal must keep the placement under review for as long as the requirement remains in effect and must decide following each review meeting as to whether the requirement should continue to have effect and, if so, for what period of time.

The meeting should include arrangements for reviews, including how often the placement will be reviewed, when the first review will be and who should be involved in the reviews. (e.g., the Academy, parents, the pupil, and other agencies e.g., a pupil's social worker, Oasis Youth and Community Workers, Child and Adolescent Mental Health Services (CAMHS), Multi-Agency Safeguarding Hubs (MASH) and Youth Justice Teams, and the Local Authority (if a pupil has an EHCP) to establish agreed monitoring points to discuss the pupil's ongoing behaviour. These reviews should be recorded in writing and be frequent enough to provide assurance that the off-site direction / use of AP is achieving its objectives via monitoring points.

The Principal must give written notification of their decision as to whether the requirement to continue the placement should continue and if so, for what period of

time including the reasons for it to the parent no later than six days after the date of the review meeting.

At the end of an alternative provision placement

To support a pupil with reintegration into their referring school, the focus of intervention whilst off-site should remain on ensuring that a pupil continues to receive support.

The Principal must take into account the views of the AP provider, the child's parents and where the pupil has an EHCP, a representative of the Local Authority maintaining the EHCP (referred to in regulation) who have attended the review meeting or have submitted their views in writing.

The length of time a pupil spends in another mainstream school or AP will depend on what best supports the pupil's needs and potential improvement in behaviour.

The Regional Director must have an overview of AP provision in their region and support Principals in reviewing the length of time a child is in AP provision as well as its suitability, particularly where the AP provider does not have DfE registration.

Managed Moves

A Managed Move is defined as a formal agreement between two schools, a student and their parents. It allows a student at risk of permanent exclusion to transfer to another school. The move requires the agreement of the student's parents, the Principal of the student's school, the Principal or head teacher of the proposed school, and the Local Authority (if the school being transferred to is a community or voluntary maintained school).

A Managed Move is never an early or first response when a student is failing at school because of behaviour. Rather, it should be considered as part of a measured response to supporting their emotional, social and behavioural needs. It is likely to be a strategy considered in the later stages of a support plan where there is little or no evidence of success. A Managed Move can be a fresh start and must be undertaken alongside a high level of support for the student.

Where a pupil has an EHCP, 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 Local Authority prior to the managed move. If the Local Authority, both schools and parents are in agreement that there should be a managed move, the Local Authority will need to follow the statutory procedures for amending a plan.

Managed moves should be offered as part of a planned intervention. The original school should be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support, any safeguarding concerns or any statutory assessments were done or explored prior to a managed move.

The managed move should be preceded by information sharing between the original school and the new school, including data on prior and current attainment, academic potential, a risk assessment and advice on effective risk management strategies. It is also important for the new school to ensure that the pupil is provided with an effective integration strategy.

If a parent believes that they are being pressured into a managed move or is unhappy with a managed move, they can take up the issue through the Trust's formal complaints procedure.

Ofsted will consider any evidence found of a parent being pressured into a managed move that has resulted in off rolling and is likely to judge a school as inadequate on the basis of such evidence.

Behaviour for Learning Policy

Academies must apply their behaviour for learning policies in a non-discriminatory way with due regard to the Equality Act 2010 and in line with the Oasis ethos, The Oasis Way for Inclusive Practice and 9 Habits. This Act requires Academies to make reasonable adjustments for disabled pupils and not to discriminate against a pupil due to any protected characteristic.

Exclusions must **not** be used for:

- poor academic performance
- lateness or truancy
- one-off breaches of Academy uniform or rules on appearance
- behaviour of students' parents.

Mitigating circumstances

Principals should take account of any contributing factors that are identified after an incident of poor behaviour has occurred (e.g., where it comes to light that a student has suffered bereavement, home circumstances, has mental health issues or has been subject to bullying).

Safeguarding students

Principals must take account of their legal duty of care, and also how they continue to enact the Oasis approach, rooted in our vision, ethos and 9 Habits, when sending a student home following the exclusion. The head teacher should also give particular consideration to the fair treatment of students from groups who are vulnerable to exclusion. Principals should ensure that:

- They are meeting their legal duty of care towards students. Parents/carers must be formally notified of the exclusion and the student must not be placed at risk by, for example, being sent home without adequate supervision. Best practice is that parents/carers must be spoken to directly before a student is sent home
- Child protection issues are taken into account e.g., bearing in mind the student's age and vulnerability. Before a suspension or exclusion, the DSL should be consulted to ensure that any social history or significant issue is properly considered, and where appropriate a discussion with an allocated social worker or referral to Children's Services should be undertaken alongside the disciplinary process and fully recorded on CPOMS.

Principals should consider whether any student may be at risk of Child Criminal Exploitation (CCE) including Child Sexual Exploitation (CSE) and County Lines and the implications of this on the decision to exclude. Exclusion from the Academy or unexplained absences from the Academy is a risk indicator on the CSE screening tool.

Working with the Principal, the Designated Safeguarding Lead (DSL) is responsible for maintaining a confidential record of all students for whom there are Child Protection (CP) issues or who have a Child Protection Plan (CPP) and for managing the education contribution to the CPP.

A student, for whom there are CP issues, is more at risk of harm if their family is placed under unexpected stress. Any suspension or exclusion can create stress and each Academy should have systems that allow current information about a student's situation to be considered when the Principal is thinking about exclusion.

The DSL can advise the Principal and contact children's social care before the Principal takes action to exclude. In discussion with the Principal or DSL, the allocated social worker may decide to call a core group meeting for students with CP issues to plan how to ensure the student is kept safe from significant harm. The Principal will normally consult a student's social worker before making the decision to exclude. Children's Service involvement is crucial where a child is known to them. The expectation is that a pupil on a child protection or child in need plan will receive enhanced social services support whilst excluded.

In some cases, it **may** be appropriate for the Principal to delay the dates for exclusion e.g. 2-3 days to allow the social worker to plan how to ensure the student is kept safe from significant harm during the exclusion. The Principal may issue an internal exclusion for the intervening days in the Academy.

If a parent does not comply with the exclusion, by sending the excluded student to the Academy, or by refusing to collect, or arrange collection of the student, the Academy must consider the student's safety in deciding what action to take. Any exclusion should not be enforced if doing so may put the safety of the student at risk. The social worker may help to resolve the issue with the parents of any student with CP issues.

Where a student has a social worker, they will be invited to any Exclusion Panel.

Alternatives to suspension – internal exclusion

Academies can still use internal exclusions. However, the purpose must always be restorative and not retributive – as would be expected in alignment to the Oasis vision and ethos.

If internal exclusions are used, they should be time limited and not used excessively for the same student. Such exclusions are served on the Academy site and are not treated as a suspension from the Academy. Internal exclusion may be more appropriate in cases where a student is a Child in Care (CiC) who is subject to a Child Protection Plan, or for whom the DSL/Principal believes formal suspension might pose a safeguarding risk e.g., in the case of CCE.

Every effort should be made to ensure that, whilst in internal exclusion, a student does not fall behind with their schoolwork. This will include the setting and marking of relevant work. There should also be plenty of opportunity for students to engage in self-reflection and reflective practice using the Oasis 9 Habits in order that they can participate ongoingly in their journey of personal transformation.

Rates of internal exclusion should be monitored and trends discussed to ensure the graduated response is effectively implemented and individual children's needs are considered thoroughly.

CiC / LAC / Previously LAC and children with social workers

Pupils who have a social worker, including looked-after children, and previously looked-after children a group of students who are vulnerable to suspension or exclusion.

The Local Authority (LA) Virtual School Head should be contacted as soon as it becomes likely that there is going to be a suspension or a permanent exclusion. LA protocol should be followed when CiC/LAC students are excluded. Exclusion of a child in care is not an equal punishment as that of a child living with their family; the consequence can often be loss of their home, not just their education. Everything possible should be done by all partners to ensure that LAC are never permanently excluded and that suspensions are avoided.

Where a Looked After Child is suspended or permanently excluded, the Virtual School Head and social worker will be informed of the decision without delay. The Virtual School Head and social worker will also be invited to any Exclusion Panel meeting and subsequent IRP. They may attend remotely even if other attendees are meeting face to face (see Remote Meetings section).

Where a pupil has a social worker, and they are at risk of suspension or permanent exclusion, the Principal should inform their social worker, however, the social worker does not have the power to veto a school action.

Where previously looked-after children face the risk of being suspended or permanently excluded, the academy should engage with the child's parents and the academy's Designated Teacher. The academy may also seek the advice of the Virtual School Head on strategies to support the pupil.

Gathering evidence

When establishing the facts in relation to an exclusion, the Principal 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.

Evidence could consist of witness statements, CCTV footage photographs, screen shots from social network sites, physical evidence or behaviour incident records. In the case of exclusions for persistent disruptive behaviour, Principals should also provide evidence that preventative measures have been used. Principals should give students the opportunity to present their views before taking the decision to suspend or permanently exclude.

To comply with GDPR, all CCTV footage and stills from CCTV footage should be pixelated before parents and panel members are allowed to view it. The footage must be viewed only at the academy and copies must not be provided to parents or Exclusion Panel members. For support and guidance on pixelating CCTV footage/stills, principals should contact OCL's Data Protection Officer, Sarah Otto (Sarah.Otto@oasisuk.org). Parents and Panel members should be given the opportunity to view CCTV footage/stills at the academy at least five full days before the Exclusion Panel meeting takes place.

Witness statements

All witness statements should be attributed, signed and dated, unless the Academy has good reason to wish to protect the anonymity of the witness, in which case, the statement should at least be dated and labelled in a way that allows it to be distinguished from other statements.

The following advice is taken from Witness Statements Preparation Guide, European Human Rights Advocacy Centre, 2008. *If an adult is writing down the statement of a young person, or asking a student to write their own statement, they must avoid using leading questions. Useful questions might include:*

- *When did the incident take place?*
- *Where was the witness at the time and what was he or she doing?*
- *Who was the witness with and what did the witness see?*
- *What did each person say or do?*

Statements should be factual and in the words of the witness: 'I did this...', and 'I saw...'. Statements could also include photos, maps, sketches or diagrams. It should be explained to the witness or their Parents (depending on the age of the student) that their statement may be used at an Exclusion Panel. The OCL proforma for statements should be used.

The student or parents' consent does not need to be obtained for a statement (since the lawful basis for processing is legal obligation, not consent). Any reference to other students should be anonymised and, if it would identify a student, redacted. The Exclusion Panel should not see the full names either if these are being anonymised. All panel members should have the same information and if this is redacted or anonymised then that is how it is presented to all.

Police involvement and parallel criminal proceedings

Principals need not postpone taking a decision about an exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, Principals will need to take a decision on the evidence available to them at the time. It may be advisable, where the evidence is not clear-cut or is still coming to light, to first suspend the student.

Suspensions

When Principals suspend a pupil, they must, without delay, notify parents and the Local Authority. Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the Principal must now, also without delay after their decision, notify the social worker and/or Virtual School Head, as applicable.

A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period. The law does not allow for extending a suspension or ‘converting’ a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Suspensions should be for the shortest time necessary. Ofsted inspection evidence suggests 1-3 days are often long enough. A longer period of suspension may have adverse educational consequences. A suspension that occurs during or after lunchtime should be recorded as a half day. Academies should take reasonable steps to set and mark work for students during the first five days of a suspension. Work that is provided should be accessible and achievable by students outside of the Academy. **Regional Directors should be contacted to discuss possible suspensions. If a child is at risk of repeated suspensions and vulnerable to being permanently excluded, advice should be sought from the National Leads for Inclusion.**

The Principal is responsible for ensuring that an Exclusion Panel is convened to consider the suspension:

- The people on the exclusion panel must be informed by the Oasis Ethos, 9 Habits and The Oasis Way for Inclusive Practice.
- Within 15 school days - when the latest suspension, in conjunction with previous suspensions, will take the student’s total number of days out of the academy above 15 for the term
- As soon as possible, and prior to the date of the examination or test – when the suspension will result in the student missing a public exam or national curriculum test
- Within 50 school days – when the latest suspension takes the student’s total number of school days out of the academy above five but less than sixteen for the term, and the parents have made representations that their child should be reinstated, or the suspension reviewed.

In any of these circumstances, the Principal must also ensure that the paperwork is sent out to all parties at least five school days prior to the panel meeting. A suggested template for the evidence pack is given at Appendix 4.

Cancelling exclusions

The Principal may cancel an exclusion that has already begun, but this should only be done where it has not yet been reviewed by the Exclusions Panel.

Where an exclusion is cancelled, then:

- Parents, the Regional Director, and the Local Authority should be notified without delay and, if relevant, the social worker and Virtual School Head. The notification must also provide the reason for the cancellation;
- Written notification of the cancellation and reason for the cancellation will be provided by delivering it directly to the recipient, leaving it at their usual or last known home address, or posting it to that address. A notification to a parent can only be given electronically (e.g., by text message or e-mail) if it is sent to a number or address that the parent has agreed can be used for notifications of this kind.
- Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet with the Principal to discuss the circumstances that led to the exclusion being cancelled;
- Schools should report to the Regional Director once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling Regional Directors to have appropriate oversight;
- The pupil should be allowed back into the school they were excluded from 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.

Permanent exclusions

A decision to exclude a student permanently should only be taken:

- by the Principal (or Acting/Interim Principal)
- in response to serious **or** persistent breaches of the Academy's behaviour policy; **and**
- where allowing the student to remain in the Academy would seriously harm the education **or** welfare of the students or others in the Academy

Principals can source advice regarding Exclusions from their Regional Director the National Directors and the National Leads for Student Inclusion. This is because the Exclusion Panel meeting will not be chaired or attended by the Regional Director of the academy the excluded pupil attends. **Principals must discuss a possible permanent exclusion with their RD, using the checklists found at Appendix 3 and Appendix 6 to frame the conversation.**

Where practical, Principals should give a student a final opportunity to present their case before taking the decision to exclude.

While current DfE statutory guidance provides no examples of what a serious breach of the Academy's behaviour policy might be, Principals might reasonably consider permanent exclusion in the following cases:

- serious actual or threatened violence against another student or member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon with the intent to use (differentiating incidents where students feel that they need to carry a weapon for their own protection outside the school because of gang related activity)

Should a Principal make a decision to Exclude, they must follow the process set out in the Flow Diagram 'Step by Step Guide to Exclusion: From Decision to Exclusion Panel Meeting' (Appendix).

When Principals permanently exclude a pupil they must, without delay, notify parents, the Local Authority and the "home" Authority if the student lives outside the LA area in which the academy is located. Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the Principal must now, also without delay after their decision, notify the social worker and/or Virtual School Head, as applicable.

Procedures following a suspension or permanent exclusion

Informing parents

The Principal must immediately notify parents of the period of a suspension and the reasons for it, their legal responsibilities during the first five days of their student's exclusion and follow up in writing with:

- the reasons for the exclusion;
- the period of a suspension or, the fact that it is permanent;
- parents' right to make representations about the exclusion to the Exclusion Panel and how the student may be involved in this;
- parents' (or an excluded pupil if they are 18 years) right to make a request to hold the meeting via the use of remote access and how and to whom to make this request;
- how any representations should be made to the Exclusion Panel, depending on the length of the suspension;

- where the Exclusion Panel is legally required to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.

The Academy must inform parents of the days on which they must ensure that the student is not present in a public place at any time during school hours, for the first 5 days of any suspension/exclusion and that a Penalty Notice can be issued if they fail to ensure this.

From the sixth day of a suspension, Academies are required to arrange alternative full-time education for the excluded student.

Local Authorities are required to arrange full-time education from the sixth day of a permanent exclusion.

If alternative provision is being arranged by the Academy, then the following information must be included in the letter to parents: the address, contact name to whom the student should report; start and finish date and times of any such full-time education, including the times for morning and afternoon sessions where relevant (where it can reasonably be found out within the timescale).

Parents must be informed where a further suspension or permanent exclusion has been issued and the same information provided (see Appendix 1 for sample letters).

The Principal is responsible for ensuring that the necessary paperwork relating to any suspension or exclusion is prepared as soon as possible and in any event that it is ready to be sent to the exclusion panel five school days prior to the hearing.

OCL Academies must have a strategy for reintegrating students that return to an Academy following a suspension, and for managing their future behaviour. This will include a meeting with parents/carers, the student and any other relevant agencies (such as the social worker, safer schools team etc) to plan support and be clear about risk of permanent exclusion.

Exclusions Panel

The decision as to whether to reinstate a suspended or excluded student rests with the Exclusion Panel, under OCL's Scheme of Delegation. The Exclusion Panel consists of three people:

- A Regional Director (must be a Regional Director who is independent of the Academy)
- A senior leader from an Oasis Academy (or from another school outside Oasis)

- A volunteer (a Hub Council member or an appropriate community volunteer not linked to the academy where the child is based).

A Director or Head of Service will be asked to join the Exclusions Panel if any of the above are not available. National Directors of Education will not be part of an Exclusion Panel but may be used as a sounding board for Principals.

OCL will provide regular training for all members of Exclusion Panels and Clerks but accepts that there will be exceptional circumstances when untrained members will be asked to join or clerk for the panel. Clerks will not be from the child's academy but may be administrative staff members from a nearby academy.

A senior leader from the academy will act as a student advocate for SEND and the protected characteristics during a panel meeting.

Preparing in advance of Exclusion Panel meetings

Panel members should:

- not discuss the suspension or permanent exclusion with any party outside the meeting;
- ask for any written evidence in advance of 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 academy record;
- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- allow parents and the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the Exclusions Panel should first seek parental consent);
- invite the pupil's social worker, if they have one, and if the pupil is LAC, the Virtual School Head (VSH) to attend either in person or remotely;
- comply with their duty to make reasonable adjustments for people who use the academy and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability with mobility or communication that has an impact upon their ability to attend the meeting or to make representations); and
- identify the steps they will take to enable and encourage the suspended or permanently excluded pupil to attend the meeting and speak on their behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding; or how the suspended

or permanently excluded pupil may feed in their views by other means if attending the meeting is not possible.

Considering reinstatement of a student

The Exclusions Panel has a duty to consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

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

The requirements are different for suspensions where a pupil would be suspended for more than five but less than 15 school days in the term. In this case, if the parents make representations, the Exclusions Panel must consider within 50 school days of receiving the notice of exclusion whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the Exclusions Panel is not required to meet and cannot direct the reinstatement of the pupil.

Where an exclusion would result in a student missing a public examination, the Exclusions Panel will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Chairperson of the Exclusions Panel will consider the suspension alone and decide whether or not to reinstate the student for the public examination.

The Exclusions Panel can decide to:

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

In reaching a decision, the Exclusions Panel will consider whether the exclusion or suspension was lawful, reasonable and procedurally fair and whether the Principal followed their legal duties and any evidence that was presented to the Panel in relation to the decision to exclude.

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'.

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

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

The Chair of the Exclusions Panel will notify, in writing, the Principal, parents, the child (if over 18 years of age) and the LA (including the LA in which the student resides, if different to the LA in which the Academy is located) of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Exclusions Panel's 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 (IRP), and:
 1. The date by which an application for an independent review must be made.
 2. The name and address to whom an application for a review (and any written evidence) should be submitted.
 3. That they have the right to ask for the IRP to be conducted using remote access.
 4. That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEN are considered to be relevant to the exclusion.
 5. That, regardless of whether the excluded student has recognised SEN, parents have a right to require OCL to appoint an SEN expert to attend the IRP
 6. Details of the role of the SEN expert and that there would be no cost to parents for this appointment.
 7. That parents must make clear if they wish for an SEN expert to be appointed in any application for a review.
 8. 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 unlawful discrimination, they may make a claim under the Equality Act 2010 to the First-Tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. 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

The following parties must be invited to a meeting of the Exclusion panel and be allowed to make representations or share information:

- parents (and, where requested, a representative or friend).
- the pupil if they are 18 years or over.

- the principal.
- the child's social worker if the pupil has one; and
- the Virtual School Headteacher if the child is LAC.

Remote Access Meetings

The term 'remote access meeting' within this policy refers to a meeting arranged by the Exclusion Panel or arranging authority (if an IRP) that is carried out via electronic means such as a live video link.

Parents (if the pupil is under 18) or excluded pupils (if they are aged 18 years or older) can request remote access to attend Exclusion Panel Meetings or Independent Review Panels (IRPs) but this should not be a default option.

The Exclusion Panel chair must hold the meeting via the use of remote access if the request has been made by the parents (or an excluded pupil if they are 18 years or older).

However, holding meetings via remote access must only be done if Exclusion Panels or arranging authorities are satisfied that the meeting is capable of being held fairly and transparently.

Remote Access Meeting Duties

If an Exclusion Panel meets to consider and decide on reinstatement of a suspended or permanently excluded pupil via the use of remote access, this must happen within 15 school days of receiving notice of a suspension or permanent exclusion from the Principal.

Regardless of whether an Exclusion Panel or IRP meeting is to be held face to face or via the use of remote access, the Academy must take reasonable steps to identify a date for the review that all parties, and any SEN expert appointed to give advice, are able to attend or join. The IRP must meet within 15 school days of the day on which the parent's application for a review was made (panels have the power to adjourn a hearing if required).

Where a parent does not request a remote meeting or does not state a wish either way, the Exclusion Panel Chair must hold the meeting in person unless it is not reasonably practicable to do so in person for a reason related to extraordinary events or unforeseen circumstances such as an unforeseen school closure due to floods, fire or outbreak of infectious illness/disease.

If there are technological or internet network issues, during a meeting held via the use of remote access which compromises the ability for participants to be seen or heard or prevents the meeting from being held fairly and transparently and it is not reasonably practicable to resolve, a face-to-face meeting must be arranged by the Exclusion Panel or arranging authority, despite the parent's request. This should be done without delay.

Social workers and Virtual School Heads (VSHs) must be allowed to join a meeting via the use of remote access, regardless of the format chosen, as long as the Exclusion Panel (for an Exclusion Panel meeting) or arranging authority (for an IRP) are satisfied that 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.

Exclusion Panels, arranging authorities and panel members must:

- comply with relevant equalities legislation
- enable access to support which the parent is entitled to, including the presence of a friend

Exclusion Panels, arranging authorities and panel members should ensure the following conditions are met for a meeting via remote access:

- confirm with all the participants that they have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, such as via a live video link
- ensure all the participants will be able to put across their point of view or fulfil their function
- ensure the remote meeting can be held fairly and transparently

Fairness and transparency during a meeting held via the use of remote access

The Exclusion Panel or arranging authority must assess whether a meeting can be held fairly and transparently via remote access with reference to the facts of each case. Further information on key principles to consider when conducting and running meetings via the use of remote access can be found in Annex F of this policy.

If an Exclusion Panel or arranging authority is not satisfied that a meeting can be held fairly and transparently via remote access, they should consult with the parent to discuss how a face-to-face meeting can be arranged that will be convenient for them.

Remote Access Attendance by Social Workers and Virtual School Heads (VSH)

Should Social Workers or VSHs be joining a meeting that, as a whole, is taking place in person, they must be allowed to join via the use of remote access should they wish to do so.

Use of remote access during an extraordinary event or unforeseen circumstance

If there is a reason related to extraordinary events or unforeseen circumstances, such as an outbreak of infectious illness/disease, which means that it is not reasonably practicable for an Exclusion Panel meeting or IRP to be held in person; then this meeting may be held using remote access even if the parent has not asked for the meeting to be remote.

The meeting may be held via the use of remote access, provided the governing board or arranging authority are satisfied that:

- All participants will be able to fully make representations and carry out their functions;
- Each participant has access to the electronic means to allow them to hear and be heard and (where using a live video link) see and be seen, throughout the meeting;
- The meeting is capable of being held fairly and transparently.

Remote meetings for exclusions before 1 September 2023

Where an exclusion began before 1 September 2023 and an Exclusion Panel meeting has not yet been held, the headteacher must notify the parent, either on 1 September or as soon as possible afterwards that they may ask the Exclusion Panel to hold the meeting via the use of remote access. This also applies if an exclusion began before 1 September, and the parent is entitled to make representation but has not yet done so.

The notification must explain how and to whom the request can be made, and it must say that the request must be made within three school days of the notification. If the parent does make a request, then it must be handled in the same way as a request for a remote meeting for an exclusion occurring on or after 1 September.

Where an exclusion began before 1 September 2023 and an IRP meeting has not yet been held, the governing board must notify the parent, either on 1 September or as soon as possible afterwards that they may ask the IRP to hold the meeting via the use of remote access. This also applies if an exclusion began before 1 September and the parent is entitled to apply for an IRP but has not yet done so.

The notification must explain how and to whom the request can be made, and it must say that the request must be made within three school days of the notification. If the parent does make a request, then it must be handled in the same way as a request for a remote meeting for an IRP occurring on or after 1 September.

Communicating the outcome of the Exclusion Panel meeting

Within 24 hours the Chair of the Exclusion Panel must let **the relevant National Director (ND), Relevant Regional EA and the relevant Regional Director** know if the panel's decision is to uphold the permanent exclusion. The email to the relevant ND should include: The name of the student, boy/girl, Academy, year group, disadvantaged or other, LAC, CP, SEND and ethnicity as well as the full reason for the permanent exclusion being upheld. The OCL exclusions tracker form should be used.

The Independent Review (IRP)

If parents apply for an independent review, the Academy will arrange for an independent panel to review the decision of the Exclusion Panel not to reinstate a permanently excluded student.

Applications for an IRP of a decision to not reinstate a student by the Exclusion Panel must be made within 15 school days of notice being given to the parents of the Exclusion Panel's decision. If an IRP is not requested but a Tribunal claim is made for disability discrimination, the parents have an additional 15 school days from the date of the Tribunal's decision.

The IRP must meet within 15 school days of the notice from parents requesting an IRP be arranged.

A panel of three or five members will be constituted in accordance with the regulations and Exclusions Statutory Guidance.

The IRP will decide one of the following, to:

- Uphold the Exclusions Panel's decision;
- Recommend that the Exclusions Panel reconsider reinstatement; or
- Quash the Exclusion Panel's decision and direct that the student be reinstated (only when the decision is judged to be flawed on the basis that it is irrational, illegal or that there were significant procedural improprieties in the Exclusions Panel meeting)

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

The IRP should be attended by a representative of the Exclusion Panel. The need for a representative of the Exclusions Panel is because the Principal cannot present evidence on behalf of the Panel. The decision-making function of the Exclusions Panel must have taken place without the Principal being present as otherwise this would be a breach of the exclusions procedure. Therefore, it is necessary for an Exclusions Panel representative to be present to outline how and why the Exclusions Panel's decision was made.

Parents must be advised of the right to require OCL to appoint an SEND expert to advise the IRP, regardless of whether the permanently excluded student has recognised SEND.

Academy register

A student's name will be removed from the Academy admissions register if:

- 15 school days have passed since the parents were notified of the Exclusion Panel's decision to not reinstate the student and no application has been made for an IRP, or
- The parents have stated in writing that they will not be applying for an IRP

Where an application for an IRP has been made, the Academy will wait until that review (and, if relevant, any reconsideration) has concluded before removing a student's name from the register.

Where alternative provision has been made for an excluded student and they attend it, code B (education off-site, if the provision is an approved educational activity that does not involve the pupil being registered at any other school) or code D (dual registration) will be used on the attendance register. Where excluded students are not attending alternative provision, code E (excluded) will be used.

Monitoring arrangements

The monitoring of exclusions is undertaken more regularly, at least each half term, by the National Education Team, through the use of the national MIS.

It is vital that Principals ensure all records of suspension or permanent exclusions are entered onto the MIS within 24 hours of the exclusion. We ask that EAs help to ensuring that the tracker is up to date.

This policy will be reviewed regularly, in line with the OCL policy review calendar.

Responsibilities

Through the Curriculum and Learning Committee, Trustees look at suspensions and exclusions and consider:

- the picture of suspensions and exclusions across the Trust – questioning patterns and trends
- instances where pupils receive repeat suspensions
- interventions in place to support pupils at risk of suspension or permanent exclusion
- rolling average of permanent exclusions to ensure they are used very sparingly
- timing of moves and permanent exclusions, and whether there are any patterns including any indications which may highlight where policies or support are not working
- the characteristics of children who are suspended or permanently excluded, removed from roll, or educated off site, such as the proportion who have SEND, whether they are supported by social care and have needed social workers, and their ethnic background. This should include considering whether any groups are permanently excluded or moving out of school at a higher rate than others, discussing why this is and whether any changes to practice are required to address disparities
- whether the placements of pupils directed off site into AP are reviewed at sufficient intervals to provide assurance the education is achieving its objectives and that the pupils are benefiting from it
- spending on AP placements

The National Directors of Primary and Secondary Academies are responsible for supporting Regional Directors and Regional Executive Assistants to ensure compliance with the processes set out in the OCL Exclusions Policy and fair distribution of Charing and Clerking responsibilities.

Regional Directors are responsible for ensuring that a robust decision-making process occurs before a decision is made to exclude. They must also support academy leaders to comply with all guidance set out in the OCL Exclusion Policy.

Principals are empowered to make decisions to suspend or exclude students and are responsible for ensuring compliance with all the guidance provided in the OCL Exclusion Policy.

The Regional Director with national responsibility for exclusions will update the OCL Exclusion Policy to reflect amendments to DfE statutory guidance as well as to provide clarification or further refinement of OCL processes based on the feedback of parties engaging with it. The post holder will provide 'Exclusions through an Oasis

Lens' training to relevant OCL colleagues and Hub Councillors, as well as offering advice on an ad-hoc basis. They will also analyse the number of suspensions and exclusions and share this information with the OCL Board of Trustees and other relevant OCL colleagues.

Regional Executive Assistants (or selected academy-based Personal Assistants or Operations Managers where needed) will act as the Clerk of the Exclusion Panel and are responsible for fulfilling the duties of that role as set out in the OCL Exclusions Policy.

Training requirements

OCL organises annual training for Principals, Exclusion Panel members and clerks which mentions and draws on The Oasis Way for Inclusive Practice.

Links with other policies

This exclusions policy is linked to our:

- OCL Behaviour for Learning Policy
- OCL SEND Policy
- OCL Student Equality and Inclusion Policy
- OCL Alternative Provision Policy
- OCL Safeguarding & Child Protection Policy

Statutory requirements

The DfE exclusion statutory guidance, "Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement", September 2023

Statutory guidance means that Academies should follow this guidance, unless there is good reason not to in a particular case. It is based on the following legislation, which outline schools' powers to exclude students:

- Section 51A of the [Education Act 2002](#),
- [The School Discipline \(Student exclusions and Reviews\) \(England\) Regulations 2012](#)

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded students
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-](#)

[Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)

- SEND Code of Practice January 2015
- The Education Act 1996

RACI Matrix

[Please write “R” for anyone who is “Responsible” for a task listed in the policy, an “A” for anyone who is “Accountable”, a “C” for anyone who must be “Consulted” under the policy and “I” for anyone who must be “Informed” about aspects of the policy. Delete and columns that are not needed.]

| Policy Element | Board | Leadership | | | Academy | | Services | | Teams | |
|---|-------|------------|---------|-------------------|-------------------|--|-----------------|--|-------------------|-----------------------|
| | | OCL CEO | OCL COO | Regional Director | Academy Principal | | Governance Lead | | Regional Director | Regional Directors EA |
| Avoiding illegal exclusions | A | A | | | R | | | | | |
| Policy is kept up to date with DfE guidance | | A | | | | | | | | |
| Implementing preventative measures | | | | | R | | | | | |
| Agreeing a suspension | | | | I | R | | | | | |
| Agreeing a PEX | | | | I | R | | | | | |
| Formation of the Exclusions panel | | I | | R | R | | | | C | C |
| Preparing evidence for the Exclusion panel | | | | I | R | | | | | C |
| Organisation of IRP | | | | I | | | C | | | C |
| Removal of student from academy register | | | | I | R | | | | | C |
| Monitoring of policy | | | | | | | | | | |
| Sample letters | | | | | | | | | | |

APPENDIX 1 – Sample Letters

SAMPLE LETTER FOR SUSPENSION OF 5 DAYS OR LESS (but not more than 15 days exclusion in total for the present term)

Dear (Name of Parent or Guardian)

(Student's name) (Date of birth)

Unfortunately, I have today made the decision to suspend (**child's name**), for a period of (specify period) days.

This decision has not been taken lightly. As you know, we have tried a number of preventative strategies in an attempt to avoid exclusion that have included (**describe the support provided**).

However, today the following incident occurred...

The account should be very detailed, clear and factual, avoiding subjective or judgemental language

e.g. 'Stephen hit Mark with his fist. Mark was sitting down when Stephen hit him in the middle of his back. Mark has bruising' rather than 'premeditated aggressive and violent behaviour'.

During this suspension, work will be set and marked by the Academy. Please make arrangements to collect this from reception and return the completed work to the Academy for marking.

[Student's name] should return to the Academy on **(date)** at **(time)** **(insert details of your Academy's re-admittance strategy here)**. We will arrange for a reintegration with you to discuss **(student's name)**'s behaviour and how we can best support **(them)**.

You have a duty to ensure that your child is not present in a public place in Academy hours during this suspension (specify dates) unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during Academy hours on the specified dates. If this is the case, it will be for you to show reasonable justification as to why your child was in a public place.

Contacts

You may find it useful to contact:

- Coram Child Law Advice service on 0300 330 5485 from Monday to Friday, 8am – 6pm.

- <https://childlawadvice.org.uk/information-pages/school-exclusion/> ACE education on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time and on the website: <http://www.ace-ed.org.uk/>.
- The National Autistic Society (Schools Exclusion Service (England) on 0808 800 4002 or through schoolexclusions@nas.org.uk.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk). IPSEA is a registered charity which 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.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)
- The government’s statutory guidance to schools on suspensions and exclusions At: [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/suspension-and-permanent-exclusion-from-maintained-schools-academies-and-pupil-referral-units-in-england-including-pupil-movement)
- School discipline and exclusions <https://www.gov.uk/school-discipline-exclusions/exclusions>

Yours sincerely

Principal

Copy to: Regional Director

SAMPLE LETTER FOR PERIOD OF SUSPENSION OF 5.5 and 15 DAYS OR LESS (but not more than 15 days suspension in total for the present term)

Dear (Name of Parent or Guardian)

(Student's name) (Date of birth)

Unfortunately, I have today made the decision to suspend (**child's name**), for a period of (specify period) days.

This decision has not been taken lightly. As you know, we have tried a number of preventative strategies in an attempt to avoid suspension that have included (**describe the support provided**).

However, today the following incident occurred...

The account should be very detailed, clear and factual, avoiding subjective or judgemental language

e.g. 'Stephen hit Mark with his fist. Mark was sitting down when Stephen hit him in the middle of his back. Mark has bruising' rather than 'premeditated aggressive and violent behaviour'.

For the first five school days of the suspension we will set work for (student's name) and would ask you to ensure this work is completed and returned promptly to the Academy for marking. Please make arrangements to collect this from reception. From the sixth school day of the exclusion onwards - i.e. from (**specify the date**) (**student's name**) will be provided with education at:

Academies are responsible for making their own arrangements for day 6 provision [Inset details here including the address, contact name, start and finish times of full-time education, including the times for morning and afternoon sessions where relevant (where it can reasonably be found out within the timescale)]

[**Child's name**] should return to the Academy on (**date**) at (**time**) (**insert details of your Academy's re-admittance strategy here**). We will arrange for a reintegration with you to discuss (**student's name**)'s behaviour and how we can best support (**him/her**).

You have a duty to ensure that your child is not present in a public place in Academy hours during this suspension (**specify dates**) unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during Academy hours on the specified dates. If so, it will be for you to show reasonable justification.

You have the right to request a meeting of the Exclusion Panel to whom you may make representations. A meeting of the Exclusion Panel is usually face-to-face but can be conducted using remote access at your request. To arrange an Exclusion Panel meeting you should contact (name and address of the EA to the RD).

Contacts

You may find it useful to contact:

- Coram Child Law Advice service on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- <https://childlawadvice.org.uk/information-pages/school-exclusion/> ACE education on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time and on the website: <http://www.ace-ed.org.uk/>.
- The National Autistic Society (Schools Exclusion Service (England) on 0808 800 4002 or through schoolexclusions@nas.org.uk.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk). IPSEA is a registered charity which 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.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)
- The government's statutory guidance to schools on suspensions and exclusions At: [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/suspension-and-permanent-exclusion-from-maintained-schools-academies-and-pupil-referral-units-in-england-including-pupil-movement)
- School discipline and exclusions <https://www.gov.uk/school-discipline-exclusions/exclusions>

Yours sincerely

Principal

Copy to: Regional Director

SAMPLE LETTER FOR ANY SUSPENSION WHERE THE TOTAL NUMBER OF DAYS EXCEEDS 15 DAYS

Dear (Name of Parent or Guardian)

(Student's name) (Date of birth)

I have today made the decision to suspend (**child's name**), for a period of (**specify period**) days.

This decision has not been taken lightly. As you know, we have tried a number of preventative strategies in an attempt to avoid exclusion that have included (**describe the support provided**).

However, today the following incident occurred...

The account should be very detailed, clear and factual, avoiding subjective or judgemental language

e.g. 'Stephen hit Mark with his fist. Mark was sitting down when Stephen hit him in the middle of his back. Mark has bruising' rather than 'premeditated aggressive and violent behaviour'.

For the first five school days of the exclusion we will set work for (**child's name**) and would ask you to ensure this work is completed and returned promptly to the Academy for marking. Please make arrangements to collect this from reception. From the sixth school day of the exclusion onwards - i.e. from (**specify the date**)

Academies are responsible for making their own arrangements for day 6 provision [Inset details here including the address, contact name, start and finish times of full-time education, including the times for morning and afternoon sessions where relevant (where it can reasonably be found out within the timescale)]

Your child should return to the Academy on (**date**) at (**time**) (**insert details of your Academy's re-admittance strategy here**). We will arrange for a reintegration with you to discuss (**student's name**)'s behaviour and how we can best support them.

You have a duty to ensure that your student is not present in a public place in Academy hours during this suspension (**specify dates**) unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority if your student is present in a public place during Academy hours on the specified dates. If so, it will be for you to show reasonable justification.

As the length of the exclusion is more than 15 days in total in one term the Exclusion Panel must meet to consider the exclusion. You will be invited to the review meeting, where you can give your views to the Exclusion Panel if you wish. The meeting of the Exclusion Panel is usually face-to-face but can be conducted via remote access at your request. The latest date on which the Exclusion Panel can meet is (**insert date here – no later than 15 school days from the date that the Regional Director is notified**).

If you wish to make representations to the Exclusion Panel you can do so in writing or you can attend to speak to the Exclusion Panel in person. You can, if you wish, be accompanied by a friend or representative. Please advise **(name of contact) on/at (contact details – address, phone number, email)** as soon as possible, if you have a disability or special needs which would affect your ability to attend a meeting at the Academy. Also, please inform **(name of contact)** if it would be helpful for you to have an interpreter present at the meeting.

Your child's voice is an important part of the Exclusion Panel process. They are welcome to attend the meeting, or they may wish to provide a written submission you can share on their behalf.

You will, whether you choose to make representations or not, be notified by the clerk to the Exclusion Panel of the time, date and location of the meeting.

Contacts

You may find it useful to contact:

- Coram Child Law Advice service on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- <https://childlawadvice.org.uk/information-pages/school-exclusion/> ACE education on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time and on the website: <http://www.ace-ed.org.uk/>.
- The National Autistic Society (Schools Exclusion Service (England) on 0808 800 4002 or through schoolexclusions@nas.org.uk.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk). IPSEA is a registered charity which 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.
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- School discipline and exclusions <https://www.gov.uk/school-discipline-exclusions/exclusions>

Yours sincerely

Principal

Copy to: Regional Director

*[Exclusions Policy]
[V1.9 Sept 2023]
[Adam Browne]*

SAMPLE LETTER FOR A PERMANENT EXCLUSION

Dear (Name of Parent or Guardian)

(Student's name) (Date of birth)

I regret to inform you of my decision to permanently exclude (**child's name**) with effect from (**date**). This means that (**child's name**) will not be allowed in this Academy unless they are reinstated by the Exclusion Panel.

I realise that this exclusion may be upsetting to you and your family, but the decision to permanently exclude (**child's name**) has not been taken lightly. (**Child's name**) has been excluded because:

The reason for the exclusion should be given in plain English and should be explicit. The Principal should make it clear that they have investigated the incident fully, have checked whether the incident was provoked by racial or sexual harassment and allowed the student to give their version of events.

You have a duty to ensure that your child is not present in a public place in Academy hours during this exclusion (**specify dates**) unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during Academy hours on the specified dates. If so, it will be for you to show reasonable justification.

For the first five school days of the exclusion we will set work for (**student's name**) and would ask you to ensure this work is completed and returned promptly to the Academy for marking. Please make arrangements to collect this from reception.

If student lives in the LA

From the sixth school day of the exclusion onwards — i.e. from (**specify the date**) Local Authority will provide suitable full-time education. The Alternative Provision School will contact you by letter detailing the arrangements.

If student lives in a different Local Authority:

I have also today informed (name of officer) at (name of Local Authority) of your child's exclusion and they will be in touch with you about arrangements for his/her education from the sixth school day of exclusion. You can contact them at (give contact details)

As this is a permanent exclusion the Exclusion Panel must meet to consider it. The Exclusion Panel has the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may ask for the decision to be reviewed by an Independent Review Panel. The latest date by which the Exclusion Panel can meet is (**specify date – the 15th school day after the date on which the Regional Director was notified of the exclusion**).

If you wish to make representations to the Exclusion Panel you can do so in writing or you can attend to speak to the Exclusion Panel. A meeting of the Exclusion Panel is usually face-to-face but can be conducted using remote access at your request. You can, if you wish, be accompanied by a friend or representative. Please advise **(name of contact) on/at (contact details – address, phone number, email)** as soon as possible if you would like the meeting to be conducted remotely and if you have a disability or special needs which would affect your ability to attend a meeting at the Academy. Also, please inform **(name of contact)** if it would be helpful for you to have an interpreter present at the meeting.

Your child's voice is an important part of the Exclusion Panel process. They are welcome to attend the meeting, or they may wish to provide a written submission you can share on their behalf.

You will, whether you choose to make representations or not, be notified by the clerk to the Exclusion Panel of the time, date and location of the meeting.

Contacts

You may find it useful to contact:

- Coram Child Law Advice service on 0300 330 5485 from Monday to Friday, 8am – 6pm.
<https://childlawadvice.org.uk/information-pages/school-exclusion/> ACE education on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time and on the website: <http://www.ace-ed.org.uk/>.
- The National Autistic Society (Schools Exclusion Service (England) on 0808 800 4002 or through schoolexclusions@nas.org.uk.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk). IPSEA is a registered charity which 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.
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- School discipline and exclusions <https://www.gov.uk/school-discipline-exclusions/exclusions>

Yours sincerely

Principal
Copy to: Regional Director

*[Exclusions Policy]
[V1.9 Sept 2023]
[Adam Browne]*

SAMPLE LETTER FOR NOTIFYING PARENTS/CARERS FOR THE EXCLUSION PANEL MEETING

FROM THE CLERK TO THE EXCLUSION PANEL INVITING PARENT/CARER TO EXCLUSION PANEL MEETING

Please delete the information in 'italics' before sending the letter.

Dear [*Parent's name*]

Re: Permanent Exclusion of [*NAME OF STUDENT*] – [*DOB:*]

I am writing to confirm that the Exclusion Panel will meet **in person/ via remote access** to consider [*STUDENT NAME'S*] permanent exclusion on [*DAY and DATE*]. The meeting will start at [*TIME*]. The meeting will be held at (*enter location and address*). Please come to (*reception*) 10 minutes before the scheduled start/ The meeting will be held via Teams on the following link:

You and [*STUDENT NAME*] are invited to attend this meeting. [*STUDENT NAME*] should attend the meeting in full Academy uniform.

If you wish to be accompanied to the meeting by a friend or representative please let me know in advance of the meeting. [*include if required*] **Please advise me immediately if you need an interpreter present at the meeting so that I may make arrangements.**

You have the right to make representations, both in writing before the meeting and by speaking at the meeting, if you wish. Should you choose to submit written information please send this to me before the hearing so that I may forward it to the Exclusion Panel.

The people serving on the Exclusion Panel will be [*NAME and title 1*], [*NAME and title 2*] and [*NAME and title 3*]. The meeting will be noted by the clerk to the Exclusion Panel.

A copy of all the paperwork related to the exclusion will be sent out to you in advance of the meeting.

In the meantime if you have any questions please do not hesitate to get in touch with me.

Yours sincerely

Clerk to the Exclusion Panel

CC: Members of the Exclusion Panel, Principal, Regional Director, Local Authority

[*Exclusions Policy*]

[*V1.9 Sept 2023*]

[*Adam Browne*]

SAMPLE LETTER - TO BE USED BY THE CLERK TO THE EXCLUSION PANEL WHEN WRITING TO THE PARENT/CARER CONFIRMING THE PANEL'S DECISION TO UPHOLD THE PERMANENT EXCLUSION.

Dear **[Parent/Carer's name]**

The meeting of the Exclusion Panel at **[name of Academy]/ via remote access** on **[date]** considered the decision by **[Principal]** to permanently exclude **[student name]**.

The Exclusion Panel considered the interests and circumstances of **[student name]**, including the circumstances in which they were excluded, as well as the interests of other pupils and people working at the school. The Panel considered whether the decision to exclude **[student name]** was lawful, reasonable and procedurally fair, taking account of the Principal's legal duties and any evidence that was presented to the Exclusion Panel in relation to the decision to exclude.

After carefully considering the representations made and all the available evidence, we have decided to uphold **[student name]**'s permanent exclusion.

The reasons for the Exclusion Panel's decision are as follows:

[give reasons in as much detail as possible, explaining how the committee arrived at its decision. The following headings may be helpful in considering the relevant points made with the questions in the checklist at Appendix E used to ensure all elements are covered:]

Lawful

Rational

Procedural Fairness

You have the right to ask for the decision to be reviewed by an Independent Review Panel (IRP). If you wish to request a review please notify **(name and address details of Academy's person dealing with arrangements for setting up an Independent Review Panel)** that you wish to apply for a review of the decision in respect of the permanent exclusion by no later than **[specify the latest date – 15 school days (after the day on which notice in writing was given of the Exclusion Panel decision to the parents. Where notification was given by first class post, it is treated as having been given on the 2nd working day after which it was posted if sent by first class mail)]**. Your application for review must state your reasons as to why you are requesting a review and any written evidence should also be submitted. An IRP meeting is usually conducted in person but can be conducted using remote access at your request. Where appropriate, you should include a reference to how the student's special educational needs are considered to be relevant to the exclusion.

If you have not lodged a request for a review by **[repeat latest date]**, your right to request a review will lapse. Please advise **[contact]** if you have a disability or special needs which would affect your ability to attend a review. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the review meeting.

Regardless of whether your child has recognised special educational needs (SEN), you have the right to request an SEN Expert to attend the review. There would be no cost to you for this appointment. The SEN expert is there to provide impartial advice to the panel on how special educational needs might be relevant to the exclusion. Please make it clear in your application whether you wish for an SEN expert to be appointed.

If you decide to request a review, it will be heard by an IRP. You may be accompanied by a friend and/or, at your own expense, appoint someone to make written and/or verbal representations on your behalf. A three-member panel would comprise one serving or recently retired (within the last five years) head teacher/principal, one serving or recently serving, school/Academy governor and one lay member, who would be chairperson. The IRP would rehear all the facts of the case - if you have fresh evidence to present to the Panel you may do so. The Panel are required to meet no later than the 15th school day after the date on which a review request is lodged. In exceptional circumstances, panels may adjourn a hearing until a later date.

In determining your review the IRP must make one of three decisions:

- they may uphold your child's exclusion;
- they may recommend that OCL reconsiders its decision; or
- they may quash the panel's decision and direct that OCL considers the exclusion again.

In addition to the right to apply for a review by an IRP, if you believe that the exclusion has occurred as a result of discrimination, you 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 six months of the date on which the discrimination is alleged to have taken place e.g. the day on which your child was excluded.

The arrangements currently being made for **[student's name]**'s education will continue. **[specify details here].**

I would like to remind you of the following sources of advice and assistance:

The Local Authority Exclusions Team.

The Team can provide advice concerning the exclusion process.

Tel:

Email address: (as appropriate)

*[Exclusions Policy]
[V1.9 Sept 2023]
[Adam Browne]*

You may find it useful to contact:

- Coram Child Law Advice service on 0300 330 5485 from Monday to Friday, 8am – 6pm.
<https://childlawadvice.org.uk/information-pages/school-exclusion/> ACE education on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time and on the website: <http://www.ace-ed.org.uk/>.
- The National Autistic Society (Schools Exclusion Service (England) on 0808 800 4002 or through schoolexclusions@nas.org.uk.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk). IPSEA is a registered charity which 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.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)
- The government's statutory guidance to schools on suspensions and exclusions At: [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/suspension-and-permanent-exclusion-from-maintained-schools-academies-and-pupil-referral-units-in-england-including-pupil-movement)
- School discipline and exclusions <https://www.gov.uk/school-discipline-exclusions/exclusions>

Yours sincerely

[Name]

Clerk to Exclusion Panel

SAMPLE LETTER FROM THE CLERK TO PARENT(S) OVERTURNING A PERMANENT EXCLUSION.

Dear **[Parent/Carer's name]**

The meeting of the Exclusion Panel at **[name of Academy]** via remote access on **[date]** considered the decision by the Principal to permanently exclude **[student name]**. The Panel, after carefully considering the representations made and all the available evidence, overturned the Principal's decision to exclude **child's name** from the Academy.

The reasons for the Exclusion Panel's decision are as follows: **[give reasons in as much detail as possible, explaining how the committee arrived at its decision]**.

Your child may therefore return to the Academy on **[time & date]**.

To support **child's name's** return and reintegration to the Academy the following will be organised.....

A copy of this letter will be placed their record. Please note that it is not possible to delete all record of this exclusion having been imposed, but the child's file will make it clear that it was subsequently overturned by the Panel.

You may find it useful to contact:

- Coram Child Law Advice service on 0300 330 5485 from Monday to Friday, 8am – 6pm.
<https://childlawadvice.org.uk/information-pages/school-exclusion/> ACE education on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time and on the website: <http://www.ace-ed.org.uk/>.
- The National Autistic Society (Schools Exclusion Service (England) on 0808 800 4002 or through schoolexclusions@nas.org.uk.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk). IPSEA is a registered charity which 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.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)
- The government's statutory guidance to schools on suspensions and exclusions At: [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/671122/Suspension_and_Permanent_Exclusion_from_maintained_schools_academies_and_pupil_referral_units_in_England_including_pupil_movement_publishing.service.gov.uk)
- School discipline and exclusions <https://www.gov.uk/school-discipline-exclusions/exclusions>

Yours sincerely,

*[Exclusions Policy]
[V1.9 Sept 2023]
[Adam Browne]*

Clerk to the Exclusion Panel

CC: Regional Director, LA Exclusions representative

APPENDIX 2 – Information to consider collating for an exclusion panel

(THIS IS NOT AN EXHAUSTIVE LIST)

- Attendance sheet (current academic year)
- Suspension letters plus evidence relating to them
- Behaviour log/chronology including:
 - ✓ description of incidents of poor behaviour
 - ✓ sanctions/actions taken and by whom
 - ✓ support strategies
- Evidence of incidents including:
 - ✓ witness accounts from adults and students
 - ✓ the account of the excluded student
 If appropriate:
 - ✓ summary of incidents
 - ✓ photographic evidence
 - ✓ accident/incident reports
- Examples of parental involvement e.g. letters, logged telephone calls, minuted meetings.
- Most recent academic report
- Additional evidence of support strategies:
 - ✓ BSS consultation sheets/placement report
 - ✓ progress reports from outside agencies
 - ✓ educational psychologist's report
 - ✓ social care and health
 - ✓ CAMHS referral
 - ✓ YISP/YOTS intervention
 - ✓ behaviour contracts
 - ✓ mentoring progress reports
- For students on the SEND register:
 - ✓ EHCP (if relevant)
 - ✓ Latest individual support plan and review (if applicable)
 - ✓ PSP documentation
 - ✓ PPP and CRISP assessment
 - ✓ CAF process documentation

APPENDIX 3 – Pre-suspension/ exclusion checklist for internal review

| | Critical question | Y/N | Linked Resource(s) |
|---|---|-----|--|
| 1 | Has the child had access to consistent teaching, explicit teaching of academy routines and the opportunity to build belonging with their class? | | Building belonging guidance Academy Way template |
| 2 | Has the child had access to Quality First Teaching with appropriate scaffolds or adjustments to learning to support their access to the curriculum and feel successful? | | QFT and adaptive planning tools |
| 3 | Have staff working with the child received training on their role in co-regulation and repair, as well as practical strategies for de-escalation such as emotion coaching and PACE? | | Co-regulation guidance Emotion coaching resources RJ questions PACE prompts |
| 4 | Have you used Child-Centred Planning tools to map the child's holistic background, history, strengths and needs? | | Child-Centred Planning tools (IIF, PATHS, MAP) |
| 5 | Has the child received targeted intervention to understand the expectations of the classroom using personalised techniques such as social stories? | | Social story models |
| 6 | Does the child have secure social skills to build friendships with their peers? If not, has the child received targeted intervention to support their social or regulatory skills? | | Social skills assessment tool Small group intervention sample list List of sample 1:1 and group intervention ideas |
| 7 | Does the child have a key adult or champion who consistently and reliably spends time with them 1:1 to create a safe trusting relationship? | | Sample 1:1 check in activities/guidance Sample celebration book guidance |
| 8 | Has the child's behaviour data been assessed to review patterns or hot spots of vulnerability? | | Data analysis guidance |
| 9 | Has the child's voice been sought and made use of using pupil conferencing techniques to develop appropriate support and interventions? | | Pupil voice resources |

| | | |
|----|--|--|
| 10 | Does the child have a Relational Support Plan with positively framed targets a strategies, reviewed over time, detailing adaptations to their provision to reduce dysregulation and engage positively in learning? | Relational Support Plan template |
| 11 | Does the child have a personalised and positively framed rewards and consequences mechanism that has been used with consistency over time? | Sample visuals Sample home school communication book/report card |
| 12 | Does the child have a Responsive Co-Regulation Plan and risk assessment in place including strategies to keep the child safe when dysregulated if physical restraint is likely to be required? | Responsive Co-regulation Plan template |
| 13 | Have all relevant stakeholders (including class teacher in primary or Head of Year in secondary, key adult, SENDCo, social worker, external professionals, etc.) actively participated in the development of individualised planning to address the child's needs? | Team around the Child guidance |
| 14 | Have the parents/carers of the child actively participated in the development of individualised planning, ensuring their voice and knowledge of the child is reflected? | Working with parents/carers guidance |
| 15 | Has the National Lead for Student Inclusion and/or Mental Health been consulted for support to meet the child's needs, and have the recommended interventions been implemented and given time to have an impact? | Ebru.Karatufek@Oasisuk.org for Primary consultations Elizabeth.Rhodes@Oasisuk.org for Secondary consultations |

APPENDIX 4 - Best practice evidence pack

TABLE OF CONTENTS

EXAMPLE

| DOCUMENT TITLE | PAGE NUMBER |
|---|-------------|
| Cover sheet- Name of Student, Year Group, Principal and RD declaration | |
| Principal's statement - overview of the student during their time at the Academy up to and including decision to PEX | |
| Academic performance and attendance information (may take the form of child's annual school reports) | |
| Incident Details [this is usually the incident directly leading to the PEX] – redacted eye witness statements, any other evidence | |
| PEX documentation including letter to parent advising of the PEX | |
| Copies of any previous suspension letters | |
| Incidents, serious incidents related to breaches of Academy policy – a chronology (see example template at Appendix 11 – Timeline of Interventions and support) | |
| Relational Support Plan with review dates/targets | |
| Responsive Co-Regulation Plan and risk assessment | |
| Communication with parent/guardian, letters home etc | |
| Minutes of formal behaviour panel meetings | |
| Safeguarding information | |

APPENDIX 5 – Agenda for exclusion panel meetings to consider suspensions/exclusions

ADVICE:

- Carry out the whole process through the Oasis vision, ethos and 9 Habits
- Hold the meeting in a neutral part of the Academy. Don't hold it in the Principal's office.
- Don't invite the Principal and LA rep into the meeting before the family.
- Have a written agenda
- Have the meeting minuted – a good written record is essential – particularly re questions and answers. Ensure that the Clerk hasn't had direct involvement with the exclusion of incidents or family.
- Allow sufficient time for the meeting to take place.
- Adjourn? If any party has not received the papers it is wise to take the decision to adjourn and this needs to be minuted by the Clerk.
- Have regard to Academy policies – behaviour, equal opportunities, drugs etc.
- Give all parties the opportunity to speak – Academy, family, representatives, LA, student.
- Ask questions of the Academy and family – clarify, incident, investigation.
- Don't answer questions that the Principal should be responding to.
- Don't 'tell off' the excluded student.
- Ask what has been done to avoid exclusion – strategies, support etc. Could the Academy have done more to avoid exclusion?
- Distinguish between one-off/cumulative exclusion – clarify with Principal.
- Are you satisfied with investigations – any provocation, bullying? Are the witness accounts thorough? Has the Academy complied with the DfE and Oasis Exclusion Guidance?
- Be aware of treatment regarding other students involved. Are there different sanctions for others involved?

AGENDA

1. Chair of the meeting introduces him/herself and asks all parties to introduce themselves.
2. The Clerk checks that all present have received the appropriate written information at the same time and explains to the parents/carers, the student and their representative that the purpose of the meeting is to decide whether the Panel will consider reinstatement or confirm the permanent exclusion of the student to the Academy, and that there will be an opportunity for questioning by the other parties after each presentation.
3. They must also explain that the outcome of the meeting will be communicated to all parties by a letter confirming the decision. The letter must be sent to the parent(s)/carer(s), Principal and Local Authority Exclusions Team without delay.

A telephone call or face to face feedback is not an option because many panels will take many hours or longer to reach a decision

4. The Chair of the Panel, supported by the Clerk must write to parents/carers giving the Panel's decision, an explanation of how the Panel reached its decision and details of how to appeal against the Panel's decision.
5. Chair of the meeting invites the Principal to explain the reasons for the permanent exclusion of the student.
6. All parties may ask questions.
7. The Chair asks the parent(s)/carer(s) (and their representative where present) to make their representations regarding the exclusion.
8. All parties may ask questions.
9. The Chair invites the student (or representative) to make any comments about their exclusion.
10. All parties may ask questions.
11. If present and the Local Authority officer is asked to give their views on the case
12. All parties may ask questions.
13. The Chair invites the Principal to sum up the case.
14. The Chair invites the parent(s)/carer(s) to sum up his/her case.
15. Parent(s)/carer(s), student, representative, principal, Local Authority officer (if present) and others are asked to withdraw whilst a decision is made. (NB. Details on how the Panel will communicate the decision will already have been given to all parties upon commencement of the meeting - see point 3).
16. The Clerk may stay with the committee to help them with reference to his/her notes of evidence and in wording their decision.
17. The Panel reaches a decision regarding the reinstatement or otherwise of the student.
18. If requested, minutes of the meeting should be available to any of the parties present.

APPENDIX 6 – Exclusion and suspension checklist for principals and regional directors

The checklist is for guidance. It is not mandatory for each exclusion/suspension.

| Policy and document section | Who was involved in this process for checking or discussion? | When was this done? | What type of evidence was reviewed and where is that stored? |
|--|--|---------------------|--|
| DFE guidance – read the guidance making sure it is the most recent version | | | |
| Read the Oasis Policy | | | |
| Academy should give consideration to a multi-agency assessment that goes beyond the student’s educational needs | | | |
| Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a student may have | | | |
| Principals should consider what extra support might be needed to identify and address the needs of students from key vulnerable groups in order to reduce their risk of exclusion, for example: students eligible for Free School Meals; Looked After Children and students from certain ethnic groups including Gypsy / Roma, Travellers of Irish Heritage and Black Caribbean communities | | | |
| <p>Referral to specific support service may be dependent on individual circumstances include e.g.</p> <ul style="list-style-type: none"> Educational Psychologist An Advisory Teaching Service Speech and Language Therapy Service Families support services Youth Support Services Children and Young People’s Service Alternative Provision School or another Alternative Provider Voluntary Sector Support Services. | | | |

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| <p>Principals must take account of their statutory duties under the SEND Code of Practice when administering the exclusion process. They should, as far as possible, avoid excluding permanently any student with an Education Health and Care Plan (EHCP). Where an Academy identifies a student with an EHCP who is at serious risk of disaffection or exclusion, an interim or early review should be called. It will then be possible to consider the student's changing needs and provision as an alternative to the student being excluded or suspended.</p> | | | |
| <p>Have alternatives to permanent exclusion been considered for example directing to alternative provision or arranging a managed move? Is it a last resort?</p> <p>A Managed Move is defined as a formal agreement between two schools, a student and their parents. It allows a student at risk of permanent exclusion to transfer to another school. The move requires the agreement of the child's parent, the Principal of the student's school, the Principal or head teacher at the proposed school, and the LA. A Managed Move is never an early or first response when a student is failing at school because of behaviour. Rather, it should be considered as part of a measured response to supporting their emotional social and behavioural needs. It is likely to be a strategy considered in the later stages of a support plan where there is little or no evidence of success</p> | | | |
| <p>Academies must apply their behaviour policies in a non-discriminatory way with due regard to the Equality Act 2010. This Act requires Academies to make reasonable adjustments for disabled pupils and not to discriminate against a pupil due to any protected characteristic.</p> | | | |
| <p>Principals should take account of any contributing factors that are identified after an incident of poor behaviour has occurred (e.g. where it comes to light that a student has suffered bereavement, has mental health issues or has been subject to bullying.)</p> | | | |

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| <p>Principals must take account of their legal duty of care when sending a student home following the exclusion. The head teacher should also give particular consideration to the fair treatment of students from groups who are vulnerable to exclusion. Principals should ensure that:</p> <ul style="list-style-type: none"> • They are meeting their legal duty of care towards students. Parents must be formally notified of the exclusion and the student must not be placed at risk by, for example, being sent home without adequate supervision. • Child protection issues are taken into account e.g. bearing in mind the child's age and vulnerability. | | | |
| <p>Principals should consider whether any student may be at risk of Child Sexual Exploitation (CSE) and the implications of this on the decision to exclude. Exclusion from an Academy or unexplained absences from an Academy is a risk indicator on the CSE screening tool.</p> | | | |
| <p>Working with the Principal, the Designated Safeguarding Lead (DSL) is responsible for maintaining a confidential record of all students for whom there are Child Protection (CP) issues or who have a Child Protection Plan (CPP) and for managing the education contribution to the CPP.</p> | | | |
| <p>A student, for whom there are CP issues, is more at risk of harm if their family is placed under unexpected stress. Any exclusion can create stress and each Academy should have systems that allow current information about a student's situation to be considered when the Principal is thinking about exclusion.</p> <p>The DSL can advise the Principal and contact children's social care before the Principal takes action to exclude or suspend. In discussion with the Principal or DSL, the social worker may decide to call a core group meeting for children with CP issues to plan how to ensure the student is kept safe from significant harm. The Principal will normally consult a student's social worker before making the decision to exclude or suspend. In some cases, it may be appropriate for the Principal to delay the dates for exclusion/suspension e.g. 2-3 days to allow the social worker to plan how to ensure the student is kept safe from significant harm during the absence from the academy. The Principal may issue</p> | | | |

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| <p>an internal exclusion for the intervening days in the Academy.</p> | | | |
| <p>If a parent does not comply with the exclusion/suspension, by sending the excluded student to the Academy, or by refusing to collect, or arrange collection of the student, the Academy must consider the student’s safety in deciding what action to take. Any suspension/exclusion should not be enforced if doing so may put the safety of the student at risk. The social worker may help to resolve the issue with the parents of any student with a CP issues</p> | | | |
| <p>Academies can still use internal exclusions. Such exclusions are served on the Academy site and are not treated as an exclusion from the Academy. Internal exclusion may be more appropriate in cases where a student is a Child in Care (CiC) who is subject to a Child Protection Plan, or for whom the Principal believes formal exclusion might pose a safeguarding risk.</p> | | | |
| <p>Children in Care / Looked After Children are a group of students who are vulnerable to exclusion. The LA Virtual School Head must be contacted as soon as it appears likely that the student will be suspended or permanently excluded. LA protocol should be followed when CiC/LAC children are suspended/excluded.</p> <p>Where a Looked After Child is suspended or permanently excluded, the Virtual School Head and social worker will be informed of the decision without delay. The Virtual School Head and social worker will also be invited to any Exclusion Panel meeting.</p> | | | |
| <p>When establishing the facts in relation to an exclusion the Principal 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.</p> | | | |
| <p>Evidence could consist of witness statements, photographs, screen shots from social network sites, physical evidence or behaviour incident records. In the case of exclusions for persistent disruptive behaviour, head teachers should also provide evidence that preventative measures have been used.</p> | | | |

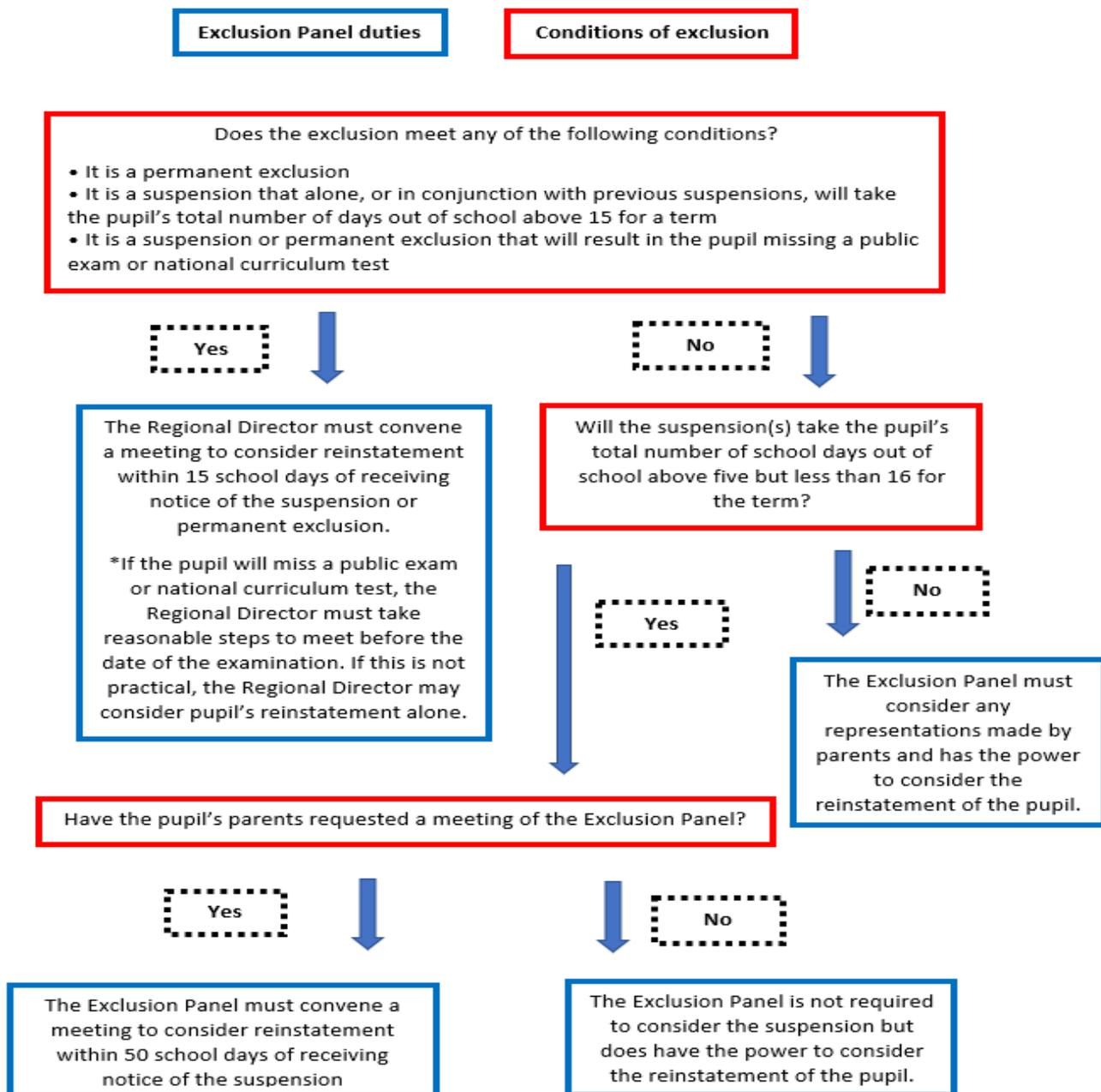
| | | | |
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| <p>Principals should give students the opportunity to present their views before taking the decision to exclude or suspend.</p> | | | |
| <p>All witness statements should be attributed, signed and dated, unless the Academy has good reason to wish to protect the anonymity of the witness, in which case, the statement should at least be dated and labelled in a way that allows it to be distinguished from other statements.</p> <p>The following advice is taken from Witness Statements Preparation Guide, European Human Rights Advocacy Centre, 2008.</p> <p><i>If an adult is writing down the statement of a young person, or asking a student to write their own statement, they must avoid using leading questions. Useful questions might include:</i></p> <ul style="list-style-type: none"> • <i>When did the incident take place?</i> • <i>Where was the witness at the time and what was he or she doing?</i> • <i>Who was the witness with and what did the witness see?</i> • <i>What did each person say or do?</i> | | | |
| <p>Statements should be factual and in the words of the witness: 'I did this...', and 'I saw...' Statements could also include photos, maps, sketches or diagrams.</p> | | | |
| <p>Principals need not postpone taking a decision about an exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, Principals will need to take a decision on the evidence available to them at the time. It may be advisable, where the evidence is not clear-cut or is still coming to light, to first suspend the student for a fixed period.</p> | | | |
| <p><u>Suspension</u> A student may be suspended for one or more periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.</p> | | | |

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| <p>Suspensions be for the shortest time necessary. Ofsted inspection evidence suggests 1-3 days are often long enough. A longer period of suspension may have adverse educational consequences.</p> | | | |
| <p>A lunch-time suspension should be recorded as a half day.</p> | | | |
| <p>Academies should take reasonable steps to set and mark work for students during the first five days of an exclusion. Work that is provided should be accessible and achievable by students outside of the Academy.</p> | | | |
| <p><u>Permanent exclusion</u> A decision to exclude a student permanently should only be taken:</p> <ul style="list-style-type: none"> • in response to serious or persistent breaches of the Academy’s behaviour policy; and • Where allowing the student to remain in the Academy would seriously harm the education or welfare of the student or others in the Academy. <p>Where practical, Principals should give a student a final opportunity to present their case before taking the decision to exclude.</p> <p>While current government guidance provides no examples of what a serious breach of the Academy’s behaviour policy might be, Principals might reasonably consider permanent exclusion in the following, as cited in previous government guidance:</p> <ul style="list-style-type: none"> • serious actual or threatened violence against another student or member of staff • sexual abuse or assault • supplying an illegal drug • carrying an offensive weapon | | | |
| <p><u>Informing parents</u> The Principal must, without delay notify parents of the period of an exclusion and the reasons for it, their legal responsibilities during the first five days of their child’s exclusion and follow up in writing with:</p> <ul style="list-style-type: none"> • the reasons for the exclusion; • the period of a suspension or, the fact that it is permanent; • parents’ right to make representations about the exclusion to the panel and how the student may be involved with this; • where the Exclusion Panel is legally required to consider the exclusion/suspension, that | | | |

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| parents have a right to attend a meeting (that can be via remote access at the parent's request), be represented at this meeting (at their own expense) and to bring a friend. | | | |
| The Academy must inform parents of the days on which they must ensure that the student is not present in a public place at any time during Academy hours, for the first 5 days of any exclusion and that a Penalty Notice can be issued if they fail to ensure this. | | | |
| From the sixth day of a suspension, Academies are required to arrange alternative full-time education for the excluded student. | | | |
| Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is as a result of one suspension or more than one suspension. Local Authorities are required to arrange full-time education from the sixth day of a permanent exclusion. | | | |
| If alternative provision is being arranged by the Academy, then the following information must be included in the letter to parents: the address, contact name to whom the student should report; start and finish date and times of any such full-time education, including the times for morning and afternoon sessions where relevant (where it can reasonably be found out within the timescale). | | | |
| Parents must be informed where a further suspension or a permanent exclusion has been issued. | | | |
| <u>Informing the Regional Director and the Local Authority</u> The Principal must, without delay, notify the Regional Director, and the Local Authority of any permanent exclusion or any suspension | | | |
| Academies should have a strategy for reintegrating students that return to the Academy following a suspension, and for managing their future behaviour. | | | |

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| <p><u>Considering reinstatement of a student</u> The Exclusions Panel have a duty to consider the reinstatement of an excluded student 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 suspension which would bring the student's total number of school days of exclusion to more than 15 in a term • It would result in a student missing a public examination | | | |
| <p>Where a suspension would result in a student missing a public examination, the Exclusions Panel will consider the reinstatement of the student before the date of the examination.</p> | | | |
| <p><u>Academy register</u> A student's name will be removed from the Academy admissions register if:</p> <ul style="list-style-type: none"> • 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the student 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 <p>Where an IRP has been requested, the student will be removed from the roll only if either:</p> <ul style="list-style-type: none"> • The IRP uphold the exclusion; or • The IRP direct or recommend reconsideration, and upon reconsideration, the exclusion is upheld by the reconsideration Exclusion Panel. | | | |
| <p>Academies monitor the number of exclusions every term and report back to their Regionals Director. They also liaise with the local authority to ensure suitable full-time education for excluded students.</p> | | | |
| <p>Have the correct letters been used?</p> | | | |
| <p>Have all timescales been met?</p> | | | |
| <p>Has the SEND and Behaviour for Learning Policy been read and followed?</p> | | | |

APPENDIX 7 – A summary of the exclusion panel’s duties to review the principal’s suspension/exclusion decision



APPENDIX 8 – An example of an agenda for an exclusion panel meeting after 15 days of suspensions

Exclusion Review Agenda

| Agenda Item | Suggested Timings |
|--|-------------------|
| <ul style="list-style-type: none"> - Chair opens the meeting and makes introductions. - Clerk ensures that all parties have received relevant paperwork and explains the purpose of the meeting is for the panel to decide whether to uphold or overturn the fixed term exclusions. Clerk to inform parents that outcome of the meeting will be sent to the parents/carers in writing. | 5 minutes |
| <ul style="list-style-type: none"> - Chair invites the Principal to explain the reasons behind the fixed term suspensions. - All parties may ask questions. | 10 minutes |
| <ul style="list-style-type: none"> - Chair invites parents/carers and representative to make their representations regarding the fixed term suspensions. - All parties may ask questions. | 10 minutes |
| <ul style="list-style-type: none"> - Chair invites the student involved to comment on the suspensions. - All parties may ask questions. | 10 minutes |
| <ul style="list-style-type: none"> - Chair invites the Principal to sum up the case. | 5 minutes |
| <ul style="list-style-type: none"> - Parents/carers, student, representatives and Principal leave the meeting. - Panel consider all the information and make a decision whether to uphold or overturn the suspensions. | 20 minutes |

The panel should consider whether the decision to suspend was fair, lawful and procedurally correct.

APPENDIX 9: Key principles when conducting meetings via the use of remote access

Principals, Exclusion Panels and arranging authorities may advise the parent or pupil (if they are over 18 years old), within their written notification, to consider the following, before requesting a remote access meeting:

- The technology that will be used for the Exclusion Panel or IRP
- Does the parent or excluded pupil (if they are over 18 years old) have an appropriate space free from other distractions to enable them to participate fully with a remote access meeting?
- Where the parent or excluded pupil (if they are over 18 years old) have limited access to the Internet, intermittent service or slower speed internet, they should not request a remote meeting for an Exclusion Panel or IRP
- Where the parent or excluded pupil (if they are over 18 years old) initially ask for a meeting to be held via the use of remote access then decide to withdraw the request, they should inform the Exclusion Panel or arranging authority without delay. The Exclusion Panel or arranging authority should without delay, arrange the meeting to be held face to face.

Principals, Exclusion Panels and arranging authorities should not place undue pressure on the parent or excluded pupil (if they are over 18 years old) to request a meeting to be held via the use of remote access, even if doing so means that they will arrange a meeting any sooner.

Running the meeting via the use of remote access

To ensure the meeting is capable of being held fairly and transparently, the Exclusion Panel, or arranging authority for IRPs should make every effort to check all participants understand the proceedings and be made aware of how to raise any issues that may prevent their effective engagement. If these conditions are not met, the meeting should not be held via remote access and must be arranged face to face without delay.

Things to consider

To help meetings run smoothly and ensure they are accessible to any participants, Exclusion Panels and IRPs should:

- Provide clear instructions about how to join the meeting virtually, and distribute the joining instructions in a timely manner ahead of the meeting
- Indicate a named person who parents, excluded pupils (if they are over 18 years old) or any participant should contact, if they have any questions before the meeting takes place
- Consider holding a 'test meeting' with any participant to check the available technology is suitable, and that all participants understand how to access the meeting

- Ensure that the chair of the Exclusion Panel or IRP is prepared to explain the agenda at the start and provide clear guidance on how the meeting will be run, for example:
 - how participants should indicate they wish to speak
 - how any ‘chat’ functions should be used
 - whether there will be any breaks in proceedings
 - how parents and excluded pupils can access advocacy services during the meeting

Things to remember

The use of remote access does not alter other procedural requirements that apply to governing boards, arranging authorities or IRPs. For example, if a parent requests the appointment of a special educational needs expert to advise a review panel, the arranging authority must appoint one and cover the cost as normal.

Parents or excluded pupils (if they are 18 years old or older) may be joined by a friend as normal. The Exclusion Panels and IRPs must consider written representations if they are made.

The law does not allow for solely paper based ‘meetings’, conducted in writing.

For the purposes of which information is recorded within minutes, the normal rules apply as per this guidance, and the governing board and IRP can instruct the clerk to record any information or instructions that they deem sensible to include so that the minutes provide a clear and sufficient record of all relevant parts of the meeting, for example, how chat functions or messages will be monitored.

APPENDIX 10: Step by step guide to exclusion: from decision to exclusion panel meeting

Principal must contact their RD and together consider consulting with Ebru Karatufek or Lizzie Rhodes before deciding whether all alternatives have been exhausted. Use checklists at Appendix 3 and Appendix 6 of OCL Exclusions Policy before coming to a final decision. If the child is on the SEN register or has an EHCP, consideration should be given to an emergency review to avoid exclusion. Have agreed adaptations, including those set out in a Pupil Passport or SEN plan, been utilised? Do you feel strategies have been exhausted? Is this the best thing for the child? Ultimately, the final decision is the Principal's.



The Principal must issue the exclusion notification letter informing parents/carers using the template at Appendix 1 of the OCL Exclusion Policy by the end of the following school day. If parents are separated but both have parental responsibility, it is the Principal's duty to ensure both parents are notified. The written reason for the decision should be very detailed, clear and factual, avoiding subjective or judgemental language. The letter must also be sent to the child's Local Authority SEND contact, Social Worker and Virtual School Head if relevant.

The Principal must update the child's BromCom log, upload the notification letter, and ensure attendance coding reflects decision to exclude. (Use 'Code E' until alternative provision is made, then 'Code B' (Education off site) or 'Dual' (Dual registration)). These updates must be made by the following school day. Follow local procedures to log the exclusion with the Local Authority.



The Principal must then email the exclusion notification letter to their RD, the relevant ND, and the Regional EA who will update the Trust's exclusion spreadsheet (PEX tracker). This email must also include the following information:

1. 1st and 2nd priority contact details (email and phone number)
2. the Local Authority's exclusions contact
3. confirmation on if the child has a Local Authority SEND contact/ Social Worker/ Virtual School Head - with their contact details.



The EA of the region will usually take on the role of Clerk. If a Regional EA is not available, academy staff from a different academy within the region may be asked to take on this role. The Clerk will identify a Chair and set a date with them for the Exclusion Panel to meet within 15 school days of the Principal's decision to exclude using the following criteria: usually, Secondary RDs should Chair Secondary Exclusion Panels and Primary RDs should Chair Primary Exclusions. Ideally, the Chair will have to travel no further than their next closest region. The Clerk should work with their RD in attempting to identify Exclusion Panel members to fulfil the criteria set out in the OCL Exclusion's Policy. It may be necessary to contact the relevant ND for direction if a Clerk, Chair and/or Panel Members cannot be found. The ND will ensure a fair distribution of Chairing responsibilities when such requests are made by referring to the 'PEX Chair tracker'. The Clerk will then share a formal invitation with family (template found in Appendix 1 of Policy), copying in all attendees, and a calendar invite to all.



The Principal is responsible for producing a pack of evidence which must follow the guidance clearly set out in the OCL Exclusion Policy (Appendix 4: Contents of an exemplary pack of evidence). The academy's RD should QA the paperwork. The Principal and RD must liaise to allow enough time for the pack to be amended if required and then received by the parent/carer at least 5 full school days prior to the hearing. Both the Principal and RD should digitally sign and include cover sheet (Appendix 12) of the pack of evidence.

It is the Principal's responsibility to ensure a paper copy of the pack is received by the parents/carers, sent either by recorded delivery or delivered by hand if appropriate. The Clerk will follow up the next day with a phone call to the parents/carers to confirm receipt. Other attendees can be sent an electronic version of the evidence pack, with the covering email requesting confirmation of receipt.



To ensure parents, panel members and other attendees have the evidence required to conduct a fair hearing, the Chair of the Panel should share with the Principal, Clerk and RD any anomalies/concerns about the pack of evidence at least 24 hours before the Panel Meeting takes place.

Should these concerns be valid, it may be necessary to delay the Panel Meeting so they can be rectified. If additional evidence is subsequently provided, all parties must be provided a further 5 full school days to consider it. This delay will only be with the agreement of the Parents/Carers.



Should the Chair of the Panel be considering delaying an arranged PEX hearing due to concerns about the case, they must liaise with the RD with national responsibility for suspension and exclusions before doing so.



The day before the Exclusion Panel meets, the Clerk will contact all attendees to confirm they are still able to attend and that the pack of evidence has been read. This can be done by email but may require a follow up call by the Clerk if there is no response.

The Clerk will then confirm with the Chair, Principal, and all other attendees if the Panel Meeting is going ahead.

APPENDIX 11: Timeline of incidents and support

[STUDENT NAME] (Year [#]) – Timeline of Incidents and Support (2023-2024)

Suspension Record – total of [#] days' suspension:

| Year | Suspension Dates | Length | Reason |
|---------------------------|--|--|---|
| Year : [#] days FTE | <ul style="list-style-type: none"> [DATE] – [DATE] | <ul style="list-style-type: none"> [#] days FTS | <ul style="list-style-type: none"> E.g. persistent defiance and refusal to follow instructions |
| Year : [#] days FTE | <ul style="list-style-type: none"> [DATE] – [DATE] [DATE] – [DATE] | <ul style="list-style-type: none"> [#] days FTS <ul style="list-style-type: none"> AP Placement | <ul style="list-style-type: none"> E.g. physical assault on another pupil E.g. Two-week behaviour intervention placement at [AP NAME] – see details below |

| Date | Incidents | Support |
|----------|---|--|
| Autumn 1 | <ul style="list-style-type: none"> [DATES]: [#] day FTS. Reasons: <ul style="list-style-type: none"> E.g. Persistent defiance and refusal to follow instructions | <ul style="list-style-type: none"> [DATE]: Reintegration meeting with [STAFF] and [STAFF] to place [STUDENT] on a Wave 1 Behaviour Support Plan to provide intensive support designed to enable [STUDENT] to reintegrate successfully back into school. Targets included: <ul style="list-style-type: none"> Follow instructions first time for all members of staff Use respectful language when speaking Engage in all work set to the best of your ability Support agreed with family included: <ul style="list-style-type: none"> Mentoring by his form tutor Behaviour coaching by the inclusion team Emotional literacy intervention (Zones of Regulation) More challenging work to keep him engaged in Science and Geography An Inclusion cool down pass to support emotional regulation in high stress moments [DATE]: [STUDENT] had his first weekly behaviour coaching session with the Inclusion team. Three Houses framework used to map feelings about school and design solutions for moment of difficulty. |
| Autumn 2 | • | • |
| Spring 1 | • | • |
| Spring 2 | • | • |
| Summer 1 | • | • |
| Summer 2 | • | • |

APPENDIX 12 – Evidence Pack Cover Sheet

Name of Student:

Year Group:

Date of decision to Exclude:

Date of Panel Meeting:

Declaration

-We confirm that the Exclusion checklists in the Oasis Exclusion Policy were reviewed before **[insert Principal's name]** took the final decision to exclude.

-We confirm that this pack of evidence complies with the guidance provided in the Oasis Exclusion Policy.

Principal

Name:

Signed:

Date:

Regional Director

Name:

Signed:

Date:

Document Control

Changes History

| Version | Date | Owned and amended by | Recipients | Purpose |
|---------|-------------------------------|----------------------|--------------------|--|
| 1.0 | 30 th October 2017 | Chris Chamberlain | All OCL Principals | Updated legislation |
| 1.1 | 5 th March 2018 | Chris Chamberlain | All OCL Principals | Additional detail |
| 1.2 | 8 th March 2019 | Chris Chamberlain | All OCL Principals | Additional detail |
| 1.3 | 31 st August 2019 | Chris Chamberlain | All OCL Principals | Additional detail |
| 1.4 | 5 th October 2020 | Chris Chamberlain | All OCL Principals | Additional detail |
| 1.5 | 27 th April 2021 | Chris Chamberlain | All OCL Principals | Additional detail |
| 1.6 | January 2022 | Chris Chamberlain | All OCL Principals | Additional detail |
| 1.7 | July 2022 | Chris Chamberlain | All OCL Principals | DfE Consultation |
| 1.8 | August 2022 | Chris Chamberlain | All OCL principals | New DfE guidance |
| 1.9 | September 2023 | Adam Browne | All OCL principals | Updated DfE guidance and additional detail |

Policy Tier

- Tier 1
- Tier 2
- Tier 3
- Tier 4

Owner

Adam Browne, LSE primary RD

Contact in case of query

Adam.Browne@oasisuk.org

Approvals

This document requires the following approvals.

| Name | Position | Date Approved | Version |
|-------------------------|-----------|--------------------------------|---------|
| John Murphy | CEO, OCL | 30 th October 2017 | 1.0 |
| John Murphy | CEO, OCL | 5 th March 2018 | 1.1 |
| John Murphy | CEO, OCL | 8 th March 2019 | 1.2 |
| John Murphy | CEO, OCL | 8 th September 2019 | 1.3 |
| National Education Team | NET | September 2019 | 1.3 |
| John Murphy | CEO, OCL | 5 th October | 1.4 |
| Directors' group | Directors | May 2021 | 1.5 |

[Exclusions Policy]
[V1.9 Sept 2023]
[Adam Browne]

| | | | |
|------------------|-----------|-----------|-----|
| Directors' group | Directors | Jan 2022 | 1.6 |
| Directors' group | Directors | July 2022 | 1.7 |
| Directors' Group | Directors | | 1.8 |
| Directors' Group | Directors | July 2023 | 1.9 |

Position with the Unions

Does the policy or changes to the policy require consultation with the National Unions under our recognition agreement?

- Yes
 No

If yes, the policy status is:

- Consulted with Unions and Approved
 Fully consulted (completed) but not agreed with Unions but Approved by OCL
 Currently under Consultation with Unions
 Awaiting Consultation with Unions

| Date & Record of Next Union Review |
|------------------------------------|
| Not applicable / Insert |

Location

Tick all that apply:

- OCL website
 Academy website
 Policy portal
 Other: state

Customisation

- OCL policy
 OCL with an attachment for each academy to complete regarding local arrangements
 Academy policy
 Policy is included in principals' annual compliance declaration

Distribution

This document has been distributed to:

| Name | Position | Date | Version |
|--------------------|-----------|--------------------------------|---------|
| All OCL Principals | Principal | 1 st September 2019 | 1.3 |
| All OCL Principals | Principal | 5 th October 2020 | 1.4 |
| All OCL Principals | Principal | May 2021 | 1.5 |
| All OCL Principals | Principal | January 2022 | 1.6 |
| All OCL Principals | Principal | July 2022 | 1.7 |
| All OCL Principals | Principal | July 2023 | 1.8 |
| All OCL Principals | Principal | Oct 2023 | 1.9 |