

Benedict Biscop Church of England Academy
Policy for Exclusion [Pupil Discipline]

Review Date: Spring 2018
Next review date: Spring 2020 [or sooner if National Guidance changes]
Person in charge: CEO
Link Governor: Chair of MAT Board

Pastoral Care

The quality of relationships between all members of all Academies, staff and pupils, and the relationship with parents and carers is the area that is most commonly associated with the ethos of a church Academy. It is expressed in the terms of sharing and caring. Jesus was clear in His instructions to the disciples on this matter. “Love your neighbour as yourself” – Matthew 22:39. “This is my commandment: love each other.” John 15:17. Everyone associated with the Academy is made in the image of God and is to be loved. This is the commandment from which the Northern Lights Learning Trust derives its policy for pastoral care.

We have a series of overlapping networks of relationships which include governors, staff, children parents, church members and members of the community which the Academy seeks to serve. Our pastoral work will strive to meet the significant challenge to create and maintain such networks in ways which reflect the Gospel. Those who are in leadership roles, which includes all who have a particular responsibility, ensure that by their personal example they set the highest standards expected.

It is from this premise that Christian love will pervade all aspects of life within our schools. It will influence how we reward and punish. It will affect how we value work and achievement of pupils and staff. It will be seen in the way in which the Academy environment is created and cared for. In the way in which teaching and non-teaching staff work together effectively as a team.

Policy for Exclusion and procedures adopted are part of the Trust’s pastoral and safeguarding system.

If it becomes necessary to consider exclusion then up dated advice and documentation will be used from the DFE.

Northern Lights Learning Trust has adopted the National Guidance for the exclusion of pupils.

This guidance has been issued by the DfE and covers in detail the roles and responsibilities of the TRUST Board, personal development working group of the Local Academy Council, Principal, Independent Appeal Panels and As.

At Northern Lights Learning Trust, we work in partnership with pupils, parents and agencies to ensure the safety of all our pupils and staff.

We respect one another and celebrate a child's right to learn and a teacher's right to teach treating one another with dignity.

We will not tolerate discrimination or bullying in any form and will strive to promote a culture of Social Inclusion.

We have several policies which support this process.

This policy for Exclusion is part of this process.

It is anticipated that it will only be applied in a tiny minority of instances, if at all, as a last resort.

This policy answers the following questions and follows the DfE guidelines.

1. When is it appropriate to exclude a pupil from Academy?
2. What are the procedures for dealing with the process?

Introduction

The TRUST, Local Academy Council, Principal and Independent Appeal Panels must by law have regard to the following guidance when making decisions on exclusion and administering the exclusion procedure. This means that, whilst the guidance does not have the force of statute, there is an expectation that it will be followed unless there is good reason to depart from it.

The guidance is not exhaustive and judgements will need to take account of the circumstances of individual cases.

These procedures apply to Northern Lights Learning Trust and all pupils, including any who are below or above compulsory Academy age.

Where the parents of an excluded pupil do not speak or have a good understanding of English, correspondence and documentation relating to the exclusion should be translated into their mother tongue. In such cases the individual Academy and/or the LA should arrange for an interpreter to be present at any meetings with the parent about the exclusion.

This guidance replaces Chapter 6 and Annex D of DfE Circular 10/99.

The guidance is in five parts, three of which are discussed in more detail in this policy. If a decision is made to exclude the most up to date advice must be sought from the DFE. Part 4 and 5 need to be referred to the LA for up to date information and legal guidance.

Part 1: the decision to exclude

General guidance on deciding whether or not a pupil should be excluded and on arrangements for their education during and after exclusions.

Part 2: procedure for excluding a pupil: role of Principal

Guidance for Principals on procedures to be followed when they decide to excluded a pupil.

Part 3: responsibilities of the Personal Development Working Group

Guidance on the work of Personal Development Working group of the Local Academy Council, which must review all permanent and significantly serious fixed-term exclusions.

Part 4: independent appeal panels

Guidance on the establishment of and support for Independent Appeal Panels, which consider appeals against permanent exclusions that have been endorsed by the Personal Development Working Group.

Part 5: police involvement and parallel criminal proceedings

Guidance on exclusion decisions and appeals in cases of police involvement and possible parallel criminal proceedings.

In this guidance, 'parent' means anyone who has parental responsibility for, or care of, a child. Where a child is the subject of a care order, the local authority that has parental responsibility for the child is entitled to determine to what extent the parents exercise their parental responsibility.

Part 1: the decision to exclude

1. Introduction

A decision to exclude a pupil should be taken only:

- in response to parental breaches of policies relating to the use of social media, which bring harm to pupils, staff and the business of the Trust
- in response to serious breaches of the Academy's positive behaviour management or bullying policy; and
- if allowing the pupil to remain in Academy would seriously harm the education or welfare of the pupil or others in the Academy.

Only the PRINCIPAL or their nominated representative can exclude a pupil.

A decision to exclude a child permanently is a serious one. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies, which have been tried without success. It is an acknowledgement by the Academy that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.

There will however be exceptional circumstances where, in the Principal's judgment, it is appropriate permanently to exclude a child for a first or one off offence. These might include:

- a) serious actual or threatened violence against another pupil or a member of staff;
- b) sexual abuse or assault;
- c) supplying an illegal drug;
- d) carrying an offensive weapon; or
- e) making allegations about members of staff which are proved to be unfounded and false

The Academy will also consider whether or not to inform the police where such a criminal offence has taken place. They should also consider whether or not to inform other agencies, e.g. Youth Offending Team, Children's Services workers, etc.

These instances are not exhaustive, but indicate the severity of such offences and the fact that such behaviour can affect the discipline and the well being of the Academy community.

In cases where a Principal has permanently excluded a pupil for:

- a) one of the above offences, or
- b) persistent and defiant misbehaviour, including bullying (which includes racist or homophobic bullying), or repeated possession and/or use of an illegal drug on Academy premises, the Secretary of State would not normally expect the Trust Board or an Independent Appeal Panel to reinstate the pupil.

2. Drug-related exclusions

In making a decision on whether or not to exclude for a drug-related offence the Principal should have regard to the Academy's published policy on drugs. But the decision will also depend on the precise circumstances of the case and the evidence available. In some cases fixed-period exclusion will be more appropriate than permanent exclusion. In more serious cases, an assessment of the incident should be made against criteria set out in the Academy's policy. This should be a key factor in determining whether permanent exclusion is an appropriate course of action.

3. Factors to consider before making a decision to exclude

- Exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the Academy or the pupil concerned. Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Principal will:
 - a) ensure that an appropriate investigation has been carried out;
 - b) consider all the evidence available to support the allegations, taking account of the Academy's positive behaviour management and equal opportunities policies [Single Equality Duty] , and, where applicable, the Equality Act 2010 as amended;
 - c) allow the pupil to give his or her version of events;
 - d) check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment; and
 - e) if necessary consult others, but not anyone who may later have a role in reviewing the Principal's decision, eg a member of the Local Academy Council or personal development working group or indeed the TRUST Board..
- If satisfied that, on the balance of probabilities, the pupil did what he or she is alleged to have done, the Principal may exclude the pupil.
- Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available may be very limited. However, it should still be possible for the Principal to make a judgement on whether to exclude the pupil. Part 5 of the guidance deals with these circumstances in more detail [please refer to DfE Guidance].

At schools within Northern Lights Learning Trust, an exclusion will usually, but not always follow a Severe Warning – the content of which will have been relayed to parents in writing. This warning will remain on a child's record permanently for the duration of their educational time at the Academy and may be shared with other schools and Academies.

4. Alternatives to exclusion

- Exclusion should not be used if there are possible alternative solutions available. Examples of alternatives to exclusion the Academy may want to consider include:
 - a) using a restorative justice process, which enables an offender to redress the harm that has been done to a victim, and enables all parties with a stake in the outcome to participate fully in the process. This has been used successfully to resolve situations that could otherwise lead to exclusion;
 - b) internal exclusion (also known as internal seclusion), which can be used to diffuse situations that occur in Academy that require a pupil to be removed from class but may not require exclusion from the Academy premises. The exclusion could be to a designated area within the Academy, with appropriate support, or to another class on a temporary basis, and may continue during break periods;
 - c) a managed move: if a Academy feels that it can no longer manage the behaviour of a particular pupil, the Academy may seek advice from the LA on their managed move policy.

5. When exclusion is not appropriate

- Exclusion will not be used for:
 - a) minor incidents such as failure to do homework or to bring dinner money;

- b) poor academic performance;
- c) lateness or truancy;
- d) breaches of Academy uniform rules or rules on appearance (including jewellery and hairstyle), except where these are persistent and in open defiance of such rules, or there is a Health and Safety issue arising from their choice; or
- e) punishing pupils for the behaviour of their parents, for example where parents refuse or are unable to attend a meeting. Guidance on dealing with difficult parents is contained in the Legal Toolkit for Academies (see 'Related documents' below).

6. Length of fixed period exclusions

- The regulations allow Principals to exclude a pupil for one or more fixed periods not exceeding 45 Academy days in any one Academy year. However, individual exclusions should be for the shortest time necessary, bearing in mind that exclusions of more than a day or two make it more difficult for the pupil to reintegrate into the Academy. Ofsted inspection evidence suggests that one to three days is often long enough to secure the benefits of exclusion without adverse educational consequences. Exclusions may not be given for an unspecified period, for example until a meeting can be arranged. Such a practice amounts to an indefinite exclusion, for which no legal arrangements exist.
- The Academy's obligation to provide education continues while the pupil is on the roll, and must be met during a fixed-term exclusion. In all cases of more than a day's exclusion, work should be set and marked. This could include the use of home learning e packages.
- When it is necessary for a Principal to consider whether to exclude a pupil for a longer period, for example for more than 15 Academy days, the following should be taken into account:
 - a) how the pupil's education will continue during the period of exclusion;
 - b) how the time might be used to address the pupil's problems; and
 - c) together with the LA, what educational arrangements will best help with the pupil's reintegration into the Academy at the end of the exclusion.

7. Lunchtime exclusion

- Pupils whose behaviour at lunchtime is disruptive may be excluded from the Academy premises for the duration of the lunchtime period. A lunchtime exclusion is a fixed-period exclusion (equivalent to one half Academy day) and should be treated as such, and parents have the same right to be given information and to appeal. A lunchtime exclusion for an indefinite period, like any other indefinite exclusion, would not be lawful. Arrangements should be made for pupils who are entitled to free Academy meals. This may mean providing a packed lunch.
- At school within the Northern Lights Learning Trust, we do not expect to see lunchtime exclusion used for a prolonged period. In the longer term, another strategy for dealing with the problem may be worked out.

8. Parental cooperation

- If a parent refuses to cooperate with a formal exclusion by sending the excluded child to the Academy, or refusing to collect or arrange collection of him or her at lunchtime, the Academy must have due regard for the pupil's safety in deciding what action to take. An exclusion should not be enforced if doing so may put the safety of the pupil at risk. If efforts to resolve the issue with the parents are unsuccessful, the Academy will consider whether to contact Inclusion and Achievement Service and seek the advice of the LA or Academy solicitor about available legal remedies.

9. Procedures for review and appeal

- The Trust Board will establish arrangements to review promptly all permanent exclusions from the Academy, and all fixed-term exclusions which would lead to a pupil being excluded for over 15 days in a Academy term, or missing a public examination. The Local Academy Council will also establish

arrangements to review fixed-term exclusions that would lead to a pupil being excluded for over five days but not over 15 days in an Academy term, where the parent has expressed a wish to make representations. The Academy will decide whether or not to reinstate the pupil if appropriate, or whether the Principal's decision to exclude the pupil was justified. The Personal Development working group of the Local Academy Council will consider the case.

- The Academy will make arrangements for Independent Appeal Panels to hear appeals against permanent exclusions where the Personal Development working group does not direct reinstatement.

10. Procedures following permanent exclusion

- In the case of a permanent exclusion the pupil remains on the roll of the Academy until any appeal is determined, the time limit for an appeal has expired without an appeal being brought, or the parent has told the Academy that no appeal is to be brought. Again, while the pupil is on the roll of the Academy it is the responsibility of the Academy that his or her education continues but, as in the case of longer fixed-term exclusions, it may be necessary for the Academy to seek the help from the LA.
- Once a permanent exclusion has been endorsed by the Personal Development working group of the Local Academy Council, the LA should arrange to assess the pupil's needs and how to meet them, including any special educational needs the pupil may have. Once the pupil is removed from roll, the LA is responsible for ensuring that suitable education is made available [see Annex d Funding Agreement].

11. Reintegration meetings

- A reintegration meeting with parents, the pupil and the Principal following the expiry of a fixed period exclusion MUST be held with all parties, before the pupil is reinstated.

12. Behaviour outside Academy

- Pupil's behaviour outside Academy on Academy business includes, for example, on Academy trips or on away Academy sports fixtures and is subject to the Academy's positive behaviour management policy. Unacceptable behaviour in these circumstances will be dealt with as if it had taken place in Academy. For behaviour outside Academy, but not on Academy business, a Principal may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole. This will be a matter of judgment for the Principal. A pupil's behaviour in the immediate vicinity of the Academy or on a journey to or from Academy can, for example, be grounds for exclusion.

13. Pupils with special educational needs (SEN)

- Statutory guidance on identifying, assessing and making provision for pupils with SEN, including those with behavioural, social and emotional needs, is given in the Special Educational Needs Code of Practice. The Academy will have regard to this guidance. The Academy governing body will have a statutory duty to do their best to ensure that the necessary provision is made for any pupil who has SEN.
- Other than in the most exceptional circumstances, the Academy will avoid permanently excluding pupils with statements. We will also make every effort to avoid excluding pupils who are being supported at School Support under the Special Educational Needs Code of Practice, including those who are being assessed for a statement. In most cases, the teacher will be aware that the Academy is having difficulty managing a pupil's behaviour well before the situation has escalated. Academies should try every practicable means to maintain the pupil in the Academy, including seeking LA and other professional advice and support at School Action Plus, or, where appropriate, asking the LA to consider carrying out a statutory assessment. For a pupil with a statement, where this process has been exhausted, the Academy should liaise with their LA about initiating an interim annual review of the pupil's statement.
- Where a child is permanently excluded, the Principal will use the period between his or her initial decision and the meeting of the Personal Development working group, to work with the LA to see whether more support can be made available or whether the statement can be changed to name a new

school or academy. If either of these options is possible, the Principal should normally withdraw the exclusion.

- It is extremely important that parents of children with SEN who are excluded from the Academy receive advice on the options available for their child's future education. We will advise parents that advice and information on SEN is available through their local SEN Parent Partnership. The Parent Partnership should also be able to provide details of voluntary agencies that offer support to parents, including those that can offer advice concerning exclusions.

14. Disabled pupils

- The Academy has a legal duty under the Equality Act 2010 not to discriminate against disabled pupils by excluding them from Academy because of their disability. This applies to permanent and fixed-term exclusions. The definition of disability under the Act covers pupils with physical, sensory, intellectual or mental impairments. Discrimination means treating disabled pupils less favourably than other pupils without justification. It also means failing to take reasonable steps to ensure that disabled pupils are not placed at a substantial disadvantage compared to their non-disabled peers. What constitutes a reasonable step will depend on the circumstances of each case. The Equality and Human Rights Commission has published a code of practice, which explains and illustrates the Academy's duties to disabled pupils, including in relation to exclusions. The Academy will consider the code in applying this policy.
- Appeals against permanent exclusion, where discrimination is alleged to have taken place, or the disabled pupil has been placed at a substantial disadvantage by the exclusion procedures, will be heard by the independent appeal panel. Claims alleging discrimination in respect of fixed-period exclusions will be heard by the SEN and Disability Tribunal. Academies will be required, in disability discrimination claims, to demonstrate that their actions are justified and that there are no reasonable adjustments to their policies and practice they might have made to prevent the incident which led to the exclusion. Since many disabled pupils will also have special educational needs, the Academy will consider the action they have taken to address those needs in this context.

15. Race relations

- The Equality Act 2010 places a general duty on all Academies to have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between people of different racial groups. The Act also places a number of specific duties on Academies, including duties to assess the impact of policies and to monitor the operation of those policies on pupils, parents and staff from different racial groups.
- This legislation requires Academies to take steps to ensure that they will not discriminate against pupils on racial grounds when making a decision about whether to exclude a pupil. For example, Academies should monitor by ethnicity to ensure that they do not treat some groups of pupils more harshly than others.

Academies are required to assess whether policies that lead to sanctions, including exclusion, have a disproportionately adverse impact on pupils from particular racial groups. If adverse impact is identified and this cannot be justified, then the policy should be revised. The Equality and Human Rights Commission has published guidance; Public sector equality duty guidance for schools in England. The Academy and all those involved in exclusion decisions or appeals will read the guidance when applying this policy.

16. Children in public care

- Children who are looked after, in public care, are especially at risk of low attainment in education [as advised by national guidance]. The Academy will be especially sensitive to exclusion issues where children in public care are concerned. The Academy will try every practicable means to maintain the child in Academy and should seek LA and other professional advice as appropriate. Children's Services

should in all cases be involved at the earliest opportunity in working with the Academy to avoid the need to exclude the pupil.

- In cases where a Looked after child, in public care, is excluded, anyone who is seen as a parent will have the right to make representations and to appeal. The definition of a parent for the purposes of the Education Act is broadly drawn and includes a person who has parental responsibility (which includes the Local Authority where they have a care order in respect of the child) and any person (for example, a foster parent) with whom the child lives. These are in addition to the child's birth parent(s). This means that there could be more than two people whom the Academy has to notify about exclusions and who will have the right to make representations and appeal.
- Even where the Local Authority does not have parental responsibility, the child's key worker will be informed about any exclusion. The designated teacher for looked-after children will be able to advise on the legal status of pupils who are looked after, in public care, in the Academy.

17. Role of the Secretary of State

The Secretary of State provides guidance on exclusion, to which the Principal, Trust Board, Local Academy Council, the LA, Diocese and Independent Appeal Panels will have regard. He can consider complaints about Personal Development working group, operation of the exclusion procedure. He has no power to consider complaints about the decision of an Independent Appeal Panel.

18. Related documents

Education Act 2002.

The Education (Pupil Exclusions and Appeals) (Maintained Academies) (England) Regulations 2002 (S.I. 2002/3178).

The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2002 (S.I. 2002/3179).

Exclusion Appeal Panels Training Pack Getting it Right available from Information for Academy and College Governors (ISCG), tel: 020 7229 0200, email: iscg@governors.fsnet.co.uk.

Legal Toolkit for Academies available from Prolog, tel: 0845 602 2260.

Equality Act 2010.

The Education (Pupil Registration) Regulations 1995 (S.I. 1995/2089).

Part 2: procedure for excluding a pupil: role of Principal

1. Informing parents about the exclusion

- The Principal will carefully follow the procedures set out in law and statutory guidance, which are designed to ensure fairness and openness in the handing of exclusions. Following this guidance will also reduce the chance of any successful legal challenge to the exclusion at a later stage.
- Whenever a Principal excludes a pupil, the parent will be notified immediately, ideally by telephone followed up by a letter within one Academy day. Letters of notification of exclusion must state:
 - a) for a fixed-period exclusion - the precise period of the exclusion;
 - b) for a permanent exclusion - the fact that it is a permanent exclusion;
 - c) the reasons for the exclusion;
 - d) the parent's right to make representations about the exclusion to the Pupil Welfare and Pupil Welfare and Discipline Committee; and
 - e) the person whom the parent should contact if they wish to make such representations (this will usually be the Clerk to the Pupil Welfare and Pupil Welfare and Discipline Committee).

Letters should also mention:

- a) the latest date by which the Pupil Welfare and Personal Development working group must meet to consider the circumstances in which the pupil was excluded (except where the exclusion is for fewer than six Academy days in any one term, and would not result in the pupil missing a public examination);
- b) the parent's right to see and have a copy of his or her child's Academy record upon written request to the Academy;
- c) in the case of a fixed-period exclusion, the date and time when the pupil should return to Academy (in the case of a lunchtime exclusion, the number of lunchtimes for which the pupil is being excluded, and if applicable the arrangements for the child to receive free Academy meals);
- d) if the exclusion is permanent, the date it takes effect and any relevant previous history;

- e) the arrangements made for enabling the pupil to continue his or her education, including the setting and marking of work. It is the parent's responsibility to ensure that work sent home is completed and returned to Academy;
- f) the name and telephone number of an officer of the LA who can provide advice; and
- g) the telephone number for the Advisory Centre for Education (ACE) exclusions helpline^s.

- All exclusion cases should be treated in the strictest confidence.
- In exceptional cases – usually where further evidence has come to light – a fixed-period exclusion may be extended or converted to a permanent exclusion. In such cases the Principal must write again to the parents explaining the reasons for the change. The Principal may choose to withdraw an exclusion that has not yet been reviewed by the Pupil Welfare and Pupil Welfare and Discipline Committee.

2. Informing the Pupil Welfare and Personal Development working group and the LA

- Within one Academy day the Principal will inform the Governing Body's Pupil Welfare and Personal Development working group and the LA of:
 - a) permanent exclusions;
 - b) exclusions which will result in the pupil being excluded for more than five Academy days or 10 lunchtimes in any one term; and
 - c) exclusions which will result in the pupil missing a public examination.
- Fixed-period exclusions totalling five or fewer Academy days, or 10 or fewer lunchtimes or half days, in any one term, must be reported to the Pupil Welfare and Personal Development working group and DfE once a term.
- Exclusion reports should include:
 - a) the pupil's name;
 - b) the length of the exclusion;
 - c) the reason for the exclusion;
 - d) the pupil's age, gender and ethnicity;
 - e) whether the pupil has a statement of SEN, is being assessed for such a statement, or is on Academy Action or Academy Action Plus; and
 - f) whether the pupil is in Local Authority care.

Part 3: responsibilities of the Pupil Welfare and Pupil Welfare and Discipline Committee

1. The Pupil Welfare and Pupil Welfare and Discipline Committee

- The Governing Body has established a Pupil Welfare and Personal Development working group to review exclusions and consider any representations made by parents. Where reinstatement is a practical option the Pupil Welfare and Personal Development working group must consider whether to reinstate an excluded pupil. This is according to Education (School Government) (England) Regulations 1999 (S.I. 1999/2163).
- The Governing Body has nominated a pool of governors from which to select three or five governors to serve as the Pupil Welfare and Personal Development working group as the need arises and should appoint a clerk to the Committee. The quorum for a Pupil Welfare and Personal Development working group meeting is three members. If a governor has a connection with the pupil, or knowledge of the incident that led to the exclusion that could affect his or her ability to act impartially, he or she will step down. If four members consider an exclusion, the Chair has the casting vote.

- At one meeting the Pupil Welfare and Personal Development working group may consider more than one exclusion as long as they comply with the statutory time limits relating to each one.
- If an exclusion would result in the pupil missing a public examination, the Pupil Welfare and Personal Development working group should try to meet before the date of the examination. If, exceptionally, in the case of a fixed-period exclusion, the chair of the Committee does not consider it practical for the Committee to meet before the time when the pupil is due to take the public examination, he or she alone may consider the exclusion and decide whether or not to reinstate the pupil (these are the only circumstances in which a chair can sit alone to review an exclusion). In such cases the parent has the right to make oral representations to the committee or, as the case may be, the chair. If possible, the chair should have the advice of the clerk and the Academy solicitor.

2. Pupil Welfare and Personal Development working group meetings to consider exclusions

- On receiving notice of an exclusion from the Principal, the clerk or chair:
 - a) must, in the case of one or more fixed-period exclusions totalling five Academy days or less in any one term, consider any representations from the parent. If representations from the parent are received they must convene a meeting to consider the representations, although they cannot direct reinstatement
 - b) must, in the case of one or more fixed-period exclusions totalling more than five but not more than 15 Academy days in any one term, convene a meeting between the sixth and the 50th Academy day after receiving the notice of exclusion, to consider the exclusion, if the parent requests a meeting
 - c) must, in the case of a permanent exclusion, or one or more fixed period exclusions (including lunchtimes) totalling more than 15 Academy days in any one term, convene a meeting between the sixth and the 15th Academy day after the date of receipt to consider the exclusion
 - d) must invite the parent, Principal and an LA officer to the meeting at a time and place convenient to all parties (within the statutory time limit);
 - e) should ask for any written statements (including witness statements) in advance of the meeting; and
 - f) should circulate in advance any written statements (including witness statements) and a list of those who will be present at the meeting to all parties.

The Pupil Welfare and Personal Development working group will conduct the meeting fairly. They will consider allowing the excluded pupil to attend the meeting and speak, if the parent requests this. They will allow the parent to be accompanied by a friend or legal representative at their request. A pupil aged 18 or over has the right to attend and to make representations.

- The Committee will comply with the statutory time limits but will not be relieved of their legal obligation to carry out the relevant duty if they fail to comply. Accordingly their decision will not be invalid simply on the grounds that it was made out of time.

3. Procedure at the Pupil Welfare and Personal Development working group meeting

- The Pupil Welfare and Personal Development working group may ask the LA officer OR Academy solicitor for specific technical advice. However, they should make their decision alone, asking the other parties to withdraw. Where reinstatement is practical, the Pupil Welfare and Personal Development working group should decide whether to direct reinstatement.

In reaching their decision the Committee will consider:

- a) any representations made by the parent, the pupil and Academy solicitor

b) whether the Principal has complied with the exclusion procedure and has had regard to the Secretary of State's guidance before deciding to exclude the pupil.

- In considering whether to direct reinstatement, the Pupil Welfare and Personal Development working group should seek the LA officer's views as to what support could be made available to assist with reintegrating the pupil.
- Where reinstatement is not practical because the pupil has returned to Academy following the expiry of a fixed-period exclusion or because the parent makes clear he does not want his child reinstated, the Pupil Welfare and Personal Development working group must consider whether the Principal's decision to exclude the child was justified based on the evidence. The outcome of their review should be added to the pupil's Academy record for future reference.
- The Pupil Welfare and Personal Development working group will inform the parent, the Principal and the LA of their decision in writing within one Academy day of the hearing, stating their reasons. The Committee may not attach conditions to any direction they may give to the Principal to reinstate the pupil; however, this does not prevent an Academy from following good practice in reintegrating the pupil.
- Where the Pupil Welfare and Personal Development working group decide not to direct a Principal to reinstate a permanently excluded pupil, their letter to the parent will also include the following information:
 - a) the reason for the decision;
 - b) their right to appeal to an Independent Appeal Panel, together with the name and address of the person to whom any notice of appeal should be sent (normally the clerk to the Appeal Panel);
 - c) the date by which any notice of appeal should be lodged (15 Academy days after the day on which notice in writing was given of the Pupil Welfare and Pupil Welfare and Discipline Committee's decision. Where the notice is sent by first class post it is treated as having been given on the second working day after it was posted); and
 - d) that any notice of appeal must set out the grounds on which the appeal is made

4. After the meeting

- A note of the Pupil Welfare and Pupil Welfare and Discipline Committee's views on the exclusion will be placed on the pupil's Academy record with copies of relevant papers.

Part 4: Independent Appeal Panels see information for Schools– LA Guidance

Part 5: Police Involvement and parallel criminal proceedings – LA Guidance

If it becomes necessary to exclude a pupil for more than 15 days the Governing Body will refer to the LA Protocol for the continuing education of pupils excluded for more than 15 Academy days.