



# Suspensions and Permanent Exclusion Policy

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## Definitions

In this **Suspension and Permanent Exclusions Policy**, unless the context otherwise requires, the following expressions shall have the following meanings:

- i **'The Romero Catholic Academy'** means the company named at the beginning of this **Suspensions Policy** and includes all sites upon which the company is undertaking, from time to time, being carried out. The Romero Catholic Academy includes **Corpus Christi, Good Shepherd, Sacred Heart, Blue Sky, SS Peter and Paul, St Gregory, St John Fisher, St Patrick, Cardinal Wiseman, Shared Services Team.**
- ii **'Romero Catholic Academy'** means the company responsible for the management of the academy and, for all purposes, means the employer of staff at the company.
- iii **'Board'** means the Board of Directors of the Romero Catholic Academy.
- iv **'Chair'** means the Chair of the Board, or the Chair of the Local Governing Body of the Academy appointed from time to time, as appropriate.
- v **'Governance Professional'** means the Governance Professional to the Board or the Governance Professional to the Local Governing Body of the Academy appointed from time to time, as appropriate.
- vi **'Catholic Senior Executive Leader'** means the person responsible for performance of all academies and staff within the Multi Academy Company and is accountable to the Board of Directors.
- vii **'Diocesan Schools Commission'** means the education service provided by the diocese, which may also be known, or referred to, as the Birmingham Diocesan Education Service.
- viii **'Local Governing Body'** means the governing body of the school.
- ix **'Local Governing Representatives'** means the governors appointed and elected to the local governing body of the school, from time to time.
- x **'Principal'** means the substantive principal, who is the person with overall responsibility for the day-to-day management of the school.
- xi **'School'** means the school or college within The Romero Catholic Academy and includes all sites upon which the school undertaking is, from time to time, being carried out.
- xii **'Shared Services Team'** means the staff who work in the central team across the Company (e.g., HR/ Finance).
- xiii **'Vice-Chair'** means the Vice-Chair of the Governing Body elected from time to time.
- xiv **'Fixed term suspension'** A fixed period suspension is where a child is temporarily removed from school. They can only be removed for up to 45 school days in one school year, even if they've changed school. If a child has been excluded for a fixed period, schools should set and mark work for the first 5 school days. If the suspension is longer than 5 school days, the school must arrange suitable full-time education from the sixth school day, eg, at a pupil referral unit. (DfE definition)
- xv **'Permanent exclusion' (PEX)** Permanent exclusion means your child is expelled. Your local council must arrange full-time education from the sixth school day. (DfE definition)

### Please note:

The DfE has changed the term Fixed term **exclusion** (FTE) to **Suspension** from September 1st 2021.

## 1. Scope

This policy applies to all schools in The Romero Catholic Academy for all pupils. This policy sits alongside the Romero Catholic Academy Behaviour Policy which sets out the standards and expectation of behaviour in and around the school. This document incorporates the procedures to be followed in the event of unacceptable behaviour.

This policy would need to be invoked for persistent or very serious incidents and/or persistent or very serious breaches of the TRCA Behaviour Policy and/or TRCA Anti-Bullying policies or school rules.

The Board of Directors delegate authority to the Local Governing Body to implement this policy.

## 2. Rationale

A decision to exclude a pupil, either for a fixed period or permanently, is seen as a last resort by the school. The school is responsible for communicating to pupils, parents, and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct.

No suspension will be initiated without first exhausting other measures (which can be seen below) or, in the case of a serious single incident, a thorough investigation. The investigation may be carried out by the principal or by a person delegated by the principal.

Measures considered before suspension is considered:

- agreeing an individual behaviour plan / pastoral support plan with parents
- assessment of social, emotional, and learning needs
- alternative curriculum options (e.g., part-time college provision)
- allocation of a learning mentor or counsellor
- interview / panel session with the Governors from the Local Governing Body
- attendance at a Pupil Referral Unit (PRU or The Key)
- managed move to another school.

## 3. Types of Suspension

### Internal Inclusion

This is an internal process within the school and is used when the objective is to remove the pupil from class, not from the school site, for disciplinary reasons. It may be a formal process within the school but is not a legal suspension, so suspensions legislation and guidance does not apply. There is no statutory maximum period for internal suspension but, if a school is regularly using internal suspensions, it should look at the pupil's learning and behaviour needs.

### Suspensions

A suspension is one of the sanctions a school can give if a child does something that is against the school's behaviour policy. This means that your child is not allowed on the school site for a precise period. This can be for as little as half a school day up to a maximum of 45 days in any one school year. A date will be set by the school for a return to the school. Whilst a pupil has a suspension, they should not return to the school premises, nor should they be in a public place during school hours.

A suspension should be for the shortest time necessary; Ofsted evidence suggests that one to three days is usually enough to secure benefits without adverse educational consequences.

### **Persistent or Cumulative Problems**

Suspension for a period from half a day to five days for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies. These could include:

- discussion with the pupil
- mentoring
- report card
- discussions with parents
- target setting
- checking on any possible provocation
- mediation
- counselling
- 1-1 provision
- internal inclusion
- involvement of external agencies
- completion of an Early Help assessment.

Suspension will not be used for minor incidents (e.g., failure to do homework, lateness, poor academic performance, or breaches of uniform rules), except where these are persistent and defiant.

### **Single Incident**

Suspension may be used in response to a serious breach of school rules and policies or a disciplinary offence. In such cases the principal will initiate the investigation of the incident thoroughly and consider all evidence to support the allegation, taking account of the school's policies. The pupil will be encouraged to give their version of events and checks will be made as to whether the incident may have been provoked, for example by bullying or racial harassment.

The principal will inform the CSEL, Chair of Local Governing Body and Local Authority. In certain circumstances, a suspension may become permanent after full investigation.

### **Permanent Exclusion**

A permanent exclusion is a very serious decision, and the principal will consult the Chair of Local Governing Body as soon as possible. It is used as a last resort, or it will be in response to a very serious one-off breach of school rules and policies, or a disciplinary offence such as:

- serious actual or threatened violence against another pupil or a member of staff
- possession or use of an illegal drug on school premises
- carrying or use of an offensive weapon or prohibited item
- persistent bullying
- persistent harassment in relation to protected characteristics
- persistent breaches of the TRCA Behaviour and Positive Handling policy.

This list is not exhaustive.

#### 4. Behaviour outside of School

Pupils' behaviour outside school-on-school business e.g., on school visits or at sports fixture is subject to the Behaviour Policy. Poor behaviour in such circumstances will be dealt with as if it had taken place in school.

For behaviour outside the school, not on school business, the principal may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body, or if it is deemed to be damaging to the reputation of the school.

#### 5. Context of pupils; those with Special Educational Needs or Disabled Pupils and those Disadvantaged

The Academy must take account of any **special educational needs** when considering whether to exclude a pupil. We have a legal duty not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability. The principal should ensure that reasonable steps have been taken by the school to respond to a pupil's disability, so the pupil is not treated less favourably for reasons related to the disability. 'Reasonable steps' could include:

- differentiation in the school's behaviour policy
- developing strategies to modify the pupil's behaviour
- requesting external help with the pupil
- staff training.

Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for suspension as far as possible, suspension may be justified if there is a material and substantial reason for it. A specific incident affecting order and discipline in the school may be such a reason or if there are serious health and safety issues that put the school community at risk.

Equally, the Academy must take account of any pupils identified as **disadvantaged** when considering whether to exclude a pupil. We have a moral duty not to discriminate against disadvantaged pupils by excluding them from school for behaviour related to their gap in learning. The principal should ensure that reasonable steps have been taken by the school to respond to a pupil's individual circumstances in relation to disadvantaged, so the pupil is not treated less favourably for reasons related to the disability. 'Reasonable steps' could include:

- differentiation in the school's behaviour policy
- developing strategies to modify the pupil's behaviour and support well-being including pastoral support
- requesting interventions and external help with the pupil
- staff training.

Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for suspension as far as possible, suspension may be justified if there is a material and substantial reason for it. A specific incident affecting order and discipline in the school may be such a reason or if there are serious health and safety issues that put the school community at risk.

#### Tracking of data through Arbor

The principal will ensure there is analysis and tracking of suspensions to identify if there are any trends or trails. Where possible, the school will be proactive in preventative measures so that any identified context groups at higher risk are supported with greater measures to reduce the levels of suspension.

This should be reported into the Local Governing Body.

## 6. Supported Transfer

In cases where the principal and parents agree that the progress of the pupil has been unsatisfactory and the pupil is unwilling or unable to profit from the educational opportunities offered, or if a parent has treated the school or members of its staff unreasonably, the principal will engage in the supported transfer process. This is not suspension and in such cases the principal will assist the parents in placing the pupil in another school.

## 7. Removal of a pupil from the school for other reasons

The principal may send a pupil home, after consultation with that pupil's parents and a health professional, as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, for example because of a diagnosed illness such as a notifiable disease. This is not a suspension and should be for the shortest possible time.

## 8. Attendance Registers following a suspension

When a pupil is excluded for a fixed term, they should be marked as absent using Code E. This code is used when excluded but no alternative provision is made (i.e., use this code for up to 5<sup>th</sup> day). When alternative provision is made, please use the appropriate code. Please see the appendix in relation to codes in relation to the pandemic.

## 9. Principal's Responsibility

When the Principal recommends permanent exclusion to the Board and Local Governing Body, they will be satisfied that all the following criteria are met:

- serious breach or persistent breaches of the school's rules or policies
- risk of harm to the education or welfare of the pupil or others in the school.

If the Principal decides to exclude a pupil (suspension or permanent exclusion) they will:

- communicate with the CSEL and Chair of Local Governing Body (through direct call and/or Principal report)
- Inform Local Authority
- ensure that there is sufficient recorded evidence to support the decision
- explain the decision to the pupil
- contact the parents, explain the decision, and ask that the child be collected
- send a letter to the parents confirming the reasons for the suspension, whether it is a permanent or suspension, the length of the suspension and any terms or conditions agreed for the pupil's return
- in cases of more than a day's suspension, ensure that appropriate work is set and that arrangements are in place for it to be marked
- plan how to address the pupil's needs on their return from suspension
- plan a meeting with parents and pupil on their return from suspension
- consider restorative justice.

A suspension should not be enforced if doing so may put the safety of the pupil at risk. In cases where parents will not comply by, for example, refusing to collect the child, the child's welfare is the priority.

## 10. Procedure for Suspension

A child can have only 45 days' suspensions in a school year, even if they change schools; it is important to **note** that lunchtimes count as half a day.

The principal will inform the CESL/chair of the local governing body and Local Authority. In certain circumstances, a suspension may become permanent after full investigation.

Once the principal has decided to exclude a child, they, or a delegated member of staff, will contact the parent as soon as possible, preferably by telephone, to tell them the length of the suspension and explain the reason for the decision. The suspension usually starts the next school day but can start on the day of the incident that led to the suspension.

The principal must then write to the parent, without delay, covering:

- the reason(s) for the suspension
- the length of the suspension (i.e., date the suspension starts, how many days it will last and the date the child should return to school)
- to ensure that the parent is aware of their right to put their views in writing to the governors and how you can do this
- for longer suspensions, and where the local governing body (LGB) must meet to consider the suspension, the principal must inform the parent of their right to attend the meeting to present their views in person
- ensure that the parent is aware that they must make sure the child stays at home (i.e., not in a public place without reasonable justification) during school hours and that they can be fined or taken to court if their child is found outside the home during these hours.

### Providing Education during Suspension

The school should take reasonable steps to set and mark work for the child during the first 5 days of a suspension and school should set out the arrangements for this.

Any work set should be accessible and achievable by pupils outside of school. If the suspension is for more than 5 days, the school will inform the Attendance and Inclusion Team who should arrange alternative full-time education from day 6 (although it may start sooner), e.g. ELC .

The principal should provide at least 48 hours' notice of the arrangements the school has made for this provision unless it starts before day 6; information should include the start date, start and finish times, where the provision will take place and who the child should report to. This information can be sent via letter, email, or text.

### Role of Local Governing Body in Suspensions

#### **Suspensions of 5 days or less**

The local governing body do not have to meet; although, if the parent asks for a meeting, it is the local authority's view that it would be good practice for them to agree. If the suspension means the child would miss a public exam (for example, GCSE), arrangements would be made for the student to sit the examination in an appropriate and safe area. The governing body cannot direct reinstatement.

#### **Suspensions of more than 5 days but less than 15 school days in one term**



The local governing body must accept the parents request to meet and within 50 school days from the date notified of the suspension.

### **Suspensions of more than 15 days, either in 1 suspension or in total, in one term**

Governors must meet to review the suspension(s) and parents should be invited. This meeting must take place within 15 school days from the date on which governors are told that the number of days' suspension in that term is more than 15. This means that the meeting may sometimes be held after the child has returned to school. However, it is still the parents' opportunity to make their views known to the governors.

An FAQ document, flow chart and specific information for Suspension and Permanent exclusion for parents, can be found at the end of this policy in **Appendix 1**.

## **11. Procedure for Permanent Exclusion**

The principal makes the decision, with a letter being sent to parents with an explanation of their rights. The chair of the local governing body will also be informed, along with Local Authority. The letter should cover:

- the reason for the permanent exclusion
- the date the exclusion begins
- the role of the local governing body
- ensure that the parent is aware that they must make sure the child stays at home (i.e., not in a public place without reasonable justification) during school hours and that they can be fined or taken to court if their child is found outside the home during these hours.

A governing body Disciplinary Committee meeting will be convened to deliberate on the suspension. The parents, pupil and school will be expected to attend. The governing body Disciplinary Committee will consist of 3 Governors/Directors from The Romero Catholic Academy (including staff but not from the school/s of the pupil).

The principal, supported by relevant staff, will present the case for permanent exclusion. This will include a written exclusion report, which will be shared with the parents, pupil, and the governing body Disciplinary Committee members in advance of the meeting. At the meeting the parents and pupil will be able to make representations to the school and the governing body Disciplinary Committee.

The Academy Board of Directors must review suspensions on a termly basis. The services of a properly trained governance professional should be secured for suspension hearings.

A Frequently Asked Question document for parents can be found on a link at the end of this policy in **Appendix 1**.

A flow chart, which details the Permanent Exclusion process can be found at **Appendix 1**.

### **The Exclusion Report**

In advance of the Governing Body Disciplinary Committee the Principal will prepare an exclusion report with numbered pages which explains why the pupil was excluded. The report will include:

- a profile sheet including basic information about the pupil
- an overview of the case including a detailed account of the reason(s) for the suspension
- the fact that the current DfE suspensions guidance has been adhered to

- where relevant, that a full range of behaviour modification strategies has been attempted without lasting success
- an explicit statement as to what mitigating and aggravating factors apply in this case
- an indication of how the sanction that has been applied is consistent with the School's Behaviour Policy
- a statement to explain how the school's expectations about behaviour are communicated to pupils and parents
- a statement to the effect that the decision is consistent with the way that similar cases have been dealt with in the past and that others who may have been involved in the present suspension have been dealt with in a manner proportionate to their involvement
- the alternative sanctions that were considered (if applicable)
- an indication of the consultations that took place before the decision to exclude was finally reached
- where applicable, the fact that the pupil and their parents were warned of the risk of permanent exclusion
- in the case of a pupil with SEN, or a looked-after or disabled pupil, that the relevant DfE guidance was considered before the decision to exclude was taken
- that in reaching the decision, equal opportunity legislation was complied with
- where appropriate, a comment from the principal of their duty of care and the need to balance the needs of the individual against the needs of the whole school community
- a list of the interventions that have taken place to modify the pupil's behaviour, including a table to show any fixed-term suspensions that have been applied, with dates, duration, and reasons. This should be augmented with appropriate evidence, such as a copy of the support plans and reports of reviews that have taken place, and letters to parents
- a behaviour log containing brief details of past incidents with the relevant dates and actions taken. Do not include a behaviour log for a pupil charged with a one-off offence, unless the previous behaviour is like that which led to the suspension
- details of any investigation that has taken place including, where appropriate, witness statements which should normally be attributed and dated, and diagrams and photographs where relevant
- a copy of the School's Behaviour Policy highlighting the part which indicates that suspension imposed is a sanction that might be applied in the circumstances alleged.

As the principal alone has the power to exclude, the governing body Disciplinary Committee members can only either uphold the decision or order re-instatement, either immediately or by a particular date.

## 12. Possible outcomes following the Permanent Exclusion Hearing

Following its review, the Governing Body Disciplinary Committee panel can decide to:

- reinstate the child immediately or from a specified date
- uphold the child's exclusion
- quash the decision and direct that the governing body considers the exclusion again.

If the panel uphold the decision to permanently exclude, the parents do have the right to lodge an appeal to the Independent Review Panel. Please see "Appeals for Permanent Exclusions".

## 13. Re-instatement

If a pupil is re-instated the parents and pupil will meet the relevant staff as soon as possible after the disciplinary hearing. A programme of re-integration will be agreed to ensure that all involved do their best to achieve a successful return to the school.

Having established that the pupil is prone to the sort of behaviour that led to their suspension in the first place, the school may be considered as not having fulfilled its duty of care to the pupil if it does not take steps to reduce the likelihood of such behaviour reoccurring. This would make it difficult to justify a further suspension for the same offence. For example, if a pupil were re-instated after a drug related offence, it would be appropriate to offer counselling as part of the re-integration plan. Care will need to be taken in drawing up a plan that is supportive, but which could not be construed as victimising the pupil.

The re-integration plan should involve a statutory interview which provides an opportunity to discuss the re-integration plan and emphasise to parents the importance of working cooperatively with the school. It may be appropriate to ask parents to sign and acknowledge the information shared regarding the re-integration plan, but should the parents refuse to engage, this would not constitute grounds to delay re-instatement. It would be appropriate to point out that the pupil might be subject to further suspension if their behaviour does not improve, but also to stress explicitly that the pupil will be treated fairly.

The re-integration plan may also involve carrying out a risk assessment and implementing measures to reduce identified risks, e.g., if a pupil is re-instated following an assault upon another pupil. In such cases there are issues of duty of care toward both pupils (and perhaps to staff).

The school will formalise re-integration plans; where actions, expectations and consequences are made clear in writing. Should a further suspension be necessary, the school's case will be supported if it can be demonstrated that a sound integration plan was put in place and rigorously applied. Such a plan may also go some way to reassuring staff.

## **14 Appeals for Permanent exclusion**

Parents whose child is excluded permanently from a school in The Romero Catholic Academy have the right to appeal against the decision to uphold the suspension. A request for an Independent Review Panel (IRP) must be within 15 days of receiving the decision from the governing body Disciplinary Committee meeting, in writing, and set out your grounds for why the review is sought.

Appeal requests should be directed to the Legal Officer at School Appeals in writing and an IRP will be created to listen to the appeal.

The role of the IRP is to review the governing body's decision not to reinstate a permanently excluded pupil. To do that the panel must consider the interest and circumstances of the excluded pupil including the circumstances in which the pupil was excluded. Regard must be taken to the interests of other pupils and the people working at the school.

An IRP consists of either 3 or 5 members appointed by the local authority being either a lay member, head teacher, governor of a maintained school, member of a pupil referral unit (PRU) or director of the proprietor of an academy. None of the members may be directly involved with the relevant excluding school. The local authority will also appoint a clerk to the panel who will be able to advise the parties on the relevant law and procedure for review.

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

- are a member/director of the academy or governing board of the excluding school
- are the principal of the excluding school or anyone who has held this position in the last five years
- are an employee of the academy, or the governing board, of the excluding school (unless they are employed as a principal at another school)
- have, or at any time have had, any connection with the academy, school, governing board, parents or pupil, or the incident leading to the suspension, which might reasonably be taken to raise doubts about their

impartiality (though an individual must not be taken to have such a connection simply because they are employed by the academy as a principal at another school); or

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

An IRP has the authority to:

- quash the decision to exclude
- recommend a reconsideration of the decision to exclude
- uphold the exclusion
- direct the governing body to place a note on a pupil's educational record; and/or
- order the local authority to make an adjustment to the school's budget share for the funding period during which the exclusion occurs in the sum of £4,000 if, following a decision by the panel to quash the governing body's original decision, the governing body in reconsidering the exclusion decide to not reinstate the pupil or fail to reconsider the exclusion within 10 school days.

## 15. Procedure at an appeal hearing for Permanent Exclusion

The appeal hearing will not be held at the school that the pupil has been excluded from. The IRP will do everything possible to establish an atmosphere of informality where the parties can present their cases effectively.

The remit of the IRP is to consider whether the pupil should have been excluded and whether the pupil should be reinstated. In considering an appeal, the panel will decide whether the pupil did what he or she is accused of doing. If more than one incident of misconduct is alleged, the panel will decide on each incident. If satisfied on the balance of probabilities that the pupil did what he or she was alleged to have done, and then the panel will decide whether, considering all relevant factors, permanent exclusion was a reasonable response to that conduct. Relevant factors must include:

- the broader interests of other pupils and staff in the school, as well as those of the excluded pupil
- the school's published behaviour policy
- where other pupils were involved in the same incident and were also disciplined, the fairness of the permanent exclusion in relation to the sanctions imposed on the other pupils involved.

To reach a decision, the panel may need to hear evidence from those directly or indirectly involved, including the pupil. The governing body may not introduce new reasons for the exclusion. However, the parent may put forward new information that may not previously have been available. If this happens, the governing body will be given an opportunity to respond.

### **The Order of the Appeal Hearing**

The order of hearing will be notified in advance to the parties. At the start of the hearing the chair or clerk will welcome the parties and introduce those present, pointing out that the panel is independent of the school and its local governing body and that its decision is binding on them.

The clerk will explain the order in which the parties entitled to be heard will state their case and that there will be an opportunity for questioning by the other parties afterwards.

The panel members may also ask questions of the other parties to the appeal or of any witnesses who appear, to clarify an issue or to elicit more information. The aim will be for panel members to ask their questions at the end of each party's statement and following questions by the other parties.

The clerk may be called on to give legal or procedural advice to the IRP during the hearing and when they retire to consider their decision.

The chair will order proceedings and lead the panel in establishing the relevant facts. If the parent appears to be having difficulty in presenting their case, the chair should intervene to assist them to ensure that their case is established and that factual matters not in dispute are clearly identified. The chair will assist parents who have English as a second language or who have literacy problems, and who may not have understood all the paperwork.

If the IRP wishes to vary the notified procedure, they should only do so after hearing the views of all the parties present and entitled to make representations.

Sufficient time will be allowed for each party to put its case. The panel should ensure that parents are given the opportunity to comment on relevant information obtained from the governing body. Care must be taken to ensure that no party attending the hearing is present alone with the IRP.

In exceptional cases, the panel may adjourn an appeal to a later date. If there is an adjournment, it is essential that no part of the proceedings takes place other than in the presence of all the panel members.

### **Evidence and Witnesses**

Where the school's case rests largely or solely on physical evidence, and where the facts are in dispute, then the physical evidence, if practicable, should be retained and be available to the panel, if they wish to see it. Where there are difficulties in retaining physical evidence, photographs or signed witness statements are acceptable as evidence.

The IRP cannot compel witnesses to attend, and any witnesses must therefore appear before it voluntarily. The IRP may wish to call witnesses who saw the incident or behaviour which gave rise to the suspension. They may also wish to call a teacher or teachers (other than the principal) who investigated the incident and interviewed pupils. The principal has the right to make written representations to the panel and to appear and make oral representations.

Where adult witnesses are unwilling to appear in person or are unavailable, the panel must rely on their written statements, copies of which will have been circulated to all parties by the governance professional before the hearing. In the case of witnesses who are pupils of the school, it will generally be appropriate for the panel to rely on their written statements. Pupils may, however, appear as witnesses in person if they do so voluntarily and with their parents' consent. All written witness statements must be attributed and signed, except in cases where the school has good reason to wish to protect the anonymity of pupils. In such cases the statement will not be attributed, and some names may be blanked out. The general principle remains that someone accused of something is entitled to know the substance and the source of the accusation. If any witnesses are going to appear in person, all parties need to know the details in advance of the day of the hearing.

The calling of character witnesses is at the discretion of the panel but should be allowed unless there is good reason to refuse. It is for the panel to decide whether any witnesses, having given evidence, should remain for the remainder of the hearing.

If any of the parties intend to raise matters or produce documents at the hearing which are not covered by the statement of decision or the notice of appeal, these should be submitted to the clerk to the IRP in good time before the hearing. If substantial new issues are raised for the first time at the hearing, an adjournment may be necessary to allow all parties to consider the issues.

An IRP may uphold the decision to exclude; direct immediate reinstatement or reinstatement at some future date; or may decide that because of exceptional circumstances or other reasons it is not practical to give a direction requiring reinstatement, but that it would otherwise have been appropriate to give such a direction. An IRP, when directing reinstatement, may specify a future date rather than an immediate return perhaps to allow for support arrangements

to be put in place. But the date of re-instatement should be reasonable in all the circumstances. The IRP cannot attach conditions to the re-instatement of a pupil.

Under no circumstances can an appeal continue if the number of panel members drops below three at any stage during the appeal. Once an appeal has begun, no panel member may be substituted by a new member for any reason.

### **Record of the proceedings of an IRP**

The governance professional to an IRP should take minutes of the proceedings, the attendance, the voting and record the decision in a format approved by the IRP.

### **After the Hearing**

The decision of the IRP is binding on all parties. The IRP will communicate its decision to all parties by the end of the second school day after the appeal hearing. Where a hearing is held on the last day of term or outside term-time, the panel will notify all parties by the end of the second working day after the conclusion of the hearing.

If the IRP upholds the permanent suspension, the governance professional should immediately report this to the pupil's home local authority. The governance professional should also advise the parent to contact the local authority about arrangements for their child's continuing education. The principal should remove the pupil's name from the school's roll the day after the conclusion of the suspension appeal. Where the IRP direct re-instatement they should immediately inform the principal of their decision and specify the date on which the pupil must be readmitted.

Details of suspensions may not be deleted from the pupil record, where the suspension is a matter of fact. The governing body must, however, comply with any parental request to append their appeal statement to the pupil's record. It will be for the local governing body to decide what details of the suspension are included in the pupil's school record; copies of the principal correspondence should be included and possibly the minutes of the hearings if the panels respectively agree to this.

## **16. Corresponding Policies**

Policy should be read alongside the Attendance Guidance Aug 2020 and Covid Guidance for attendance (Appendix 4):

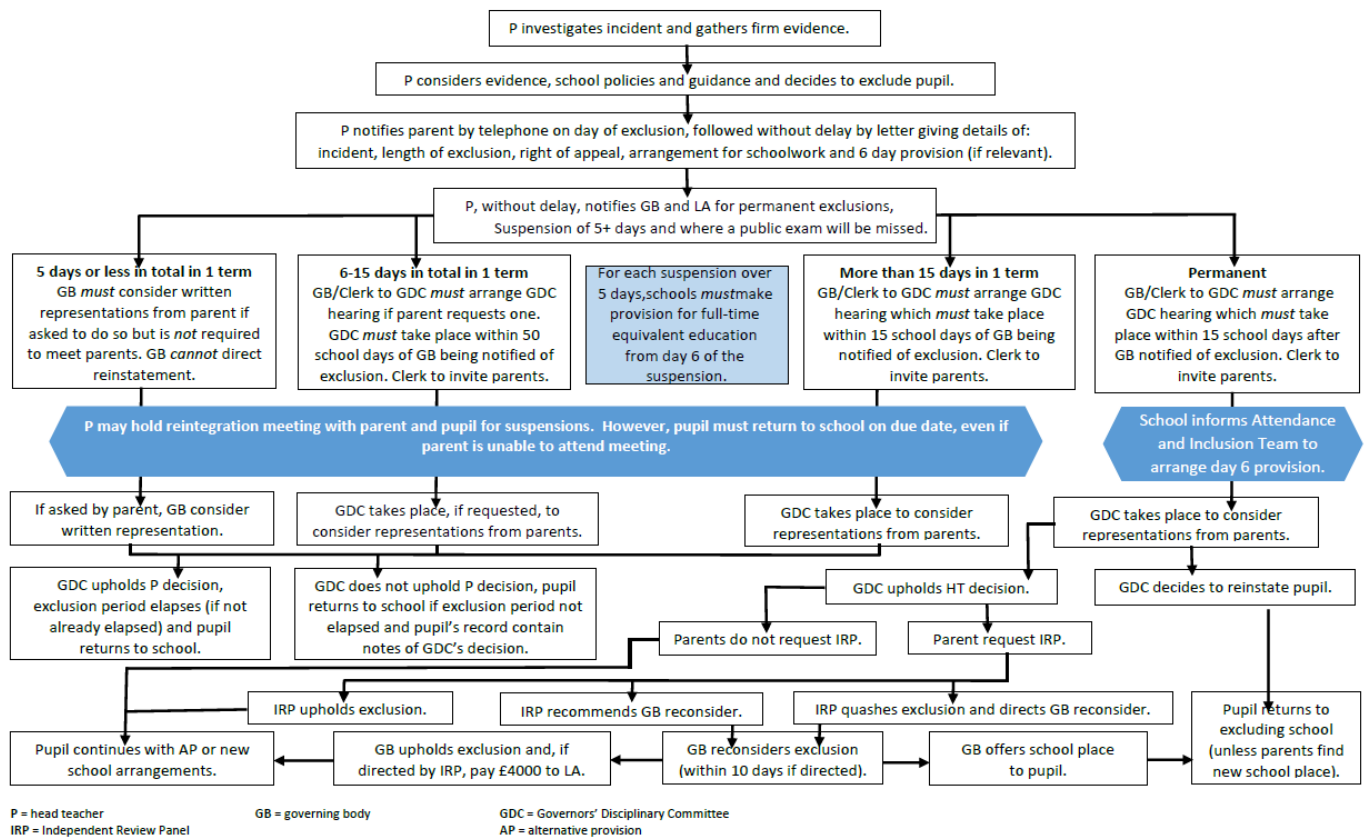
- TRCA Anti-Bullying Policy
- TRCA Behaviour and Positive Handling Policy
- TRCA E-safety Policy

## Appendix 1. Flow Chart & Useful documents for parents



Click on the following links for further information:

- [Fixed Period Suspensions – Information for Parents](#)
- [Permanent Exclusions – Information for Parents](#)
- [Suspensions – Frequently Asked Questions \(left\)](#)



## Appendix 2. Model Letters and checklist

[Checklist](#)

[Letter to confirm suspension of less than 5 days](#)

[Letter to confirm suspension of 5 days to 14 days](#)

[Letter to confirm suspension of more than 15 days](#)

[Letter to confirm Permanent exclusion](#)

[Letter from Clerk to parent upholding a permanent exclusion](#)