## The Bishop Wheeler Catholic Academy Trust



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To be reviewed: 2027/28



## The Bishop Wheeler Catholic Academy Trust



Signature:

Date: 01/07/2025

		2.0	
		3.0	
		July 2025	
		Trust Board	
		2027/28	
		Statutory Policy	
	T	Every three years or change in legislation	
1.0 Published	May 2022	Trust Policy	MHY (Headteacher SMM) SMT (Headteacher SJF) DBY (CEO) JJN (Head of Governance) AWN (Chair of Governors SJF) SSS (Scofield Sweeney Solicitors)
2.0 Review	July 2023	Trust Policy review to comply with changes in the DfE guidance, May 2023.  - Withdrawing Suspensions and Permanent Exclusion, pg. 9  - Academy Council Considering Suspension or Permanent Exclusion Decisions, pg. 23  Requests for remote access meetings for Academy Council meetings or IRPs, pg. 28  Independent Review Panel (IRP), pg. 31  Key principles when conducting meetings via the use of remote access	JJN (Head of Governance) DBY (CEO) Trust Board
	May 2025		JJN (Head of Governance), MHY (Headteacher SMM), SMT (Headteacher SJF), DBY (CEO). HTN (Executive Headteacher Primary).

- Section A removed
- Purpose changed to Aims
- Legal Framework added
- DfE guidance updated with correct date of August 2024.
- Roles and responsibilities added. (part B removed)

Page 8- Headteacher responsibilities information added and changed.

- . Informing parents updated
- Informing the Academy Council updated
- Informing the Local Authority updated
- Informing the pupil's social worker and/or virtual school head (VSH) updated.
- Cancelling suspensions and permanent exclusions information updated.
- Providing education during the first 5 days of suspension or per

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

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

• SEND Policy

This policy is based on the statutory guidance from the Department for Education (DFE), 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' (August 2024). <a href="https://www.gov.uk/government/publications/school-exclusion">www.gov.uk/government/publications/school-exclusion</a>

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

• the Education Act 2002, as amended by the Education Act 2011;

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

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

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

- Racist abuse
- Sexual misconduct

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

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

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

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permanent exclusion, they can provide the information at a later date, without delay and no later than two school days before the provision is due to start.

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

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

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

- A link to this statutory guidance on exclusions
   (https://www.gov.uk/government/publications/school-exclusion)
- Coram's Child Law Advice service can be accessed through their website
   https://childlawadvice.org.uk/information-pages/school-exclusion
   or contacted on
   0300 330 5485 from Monday to Friday, 8am 6pm
- ACE education run a limited service and can be reached on 0300 0115 142 on
- - Independent Provider of Special Education Advice (known as IPSEA <a href="www.ipsea.org.uk">www.ipsea.org.uk</a> is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SENO 592) AND

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

The notification will include:

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

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Headteacher will also, without delay, inform the pupil's 'home authority' of the

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

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

Where there is a cancellation:

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

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

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

The Academy Council is responsQ Ae Cou a

•	Apply	the civi	l standard	d of proof,	i.e. 'on	the bala	ance of p	robabilities'	(it is more	elikely

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

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

• That any application should set out the grounds on which it is being made and that,

If evidence is presented that the panel considers it is unreasonable to expect the Academy Council to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the Academy Council reconsiders reinstatement.

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

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

Where the panel directs or recommends that the Academy Council reconsider whether a

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

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

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

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

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

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

- Whether any charge has been brought against the pupil and, if so, what the charge is.
- Whether relevant witnesses and documents are available.
- The likely length of delay if the hearing were adjourned and the effect it may have on the suspended or permanently excluded pupil, the parents, any victim, or the school.
- Whether an adjournment or declining to adjourn might 8871 0g3pvailac3eGfent95.32jue(f)5(5(h)-(b